N. J., F. D., 27351–27400 Issued December 1937

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

27351–27400

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 23, 1937]

27351. Misbranding of Apco No. 20. U. S. v. Ampere Products Co. Plea of guilty. Fine, $25. Payment suspended and defendant placed on probation for 1 year. (F. & D. no. 37931. Sample no. 43734–B.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On August 26, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ampere Products Co., a corporation, West Orange, N. J., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 17, 1935, from the State of New Jersey into the State of Massachusetts of a quantity of Apco No. 20 that was misbranded.

Analysis showed that the article consisted of sodium hypochlorite, sodium chloride, sodium carbonate, and water (93.10 percent).

It was alleged to be misbranded in that certain statements borne on the jug label and contained in an accompanying circular falsely and fraudulently represented that it was effective as a treatment, cure, and preventive of disease in poultry and livestock; as a treatment and remedy for abortion, cowpox, garget, scours, barrenness, retention of afterbirth, and many other diseases in cattle; as a treatment for diseases of swine and as a preventive of cholera in swine; as a treatment and remedy for coccidiosis, cholera, white diarrhoea, and roup in poultry, and as a preventive of blackhead in poultry.

The information also charged misbranding of this product and several other products in violation of the Insecticide Act of 1910 reported in Notice of Judgment No. 1556 published under that date.

On June 25, 1937, the defendant entered a plea of guilty to all charges and the court imposed a fine of $25 on each count of the information. Payment of fine was suspended on certain counts, which included the count charging violation of the Food and Drugs Act, and the defendant was placed on probation for a period of 1 year.

M. L. Wilson, *Acting Secretary of Agriculture.*

27352. Adulteration of morphine sulphate tablets, morphine sulphate and atropine sulphate tablets, nitroglycerin tablets, elixir of barbital, arsenous acid tablets, strychnine sulphate tablets, powdered extract of belladonna leaves, belladonna ointment, santal oil capsules, and powdered extract of stramonium; misbranding of strychnine sulphate tablets, corrosive sublimate tablets, fluidextract of ephedra, and nitroglycerin tablets. U. S. v. Standard Pharmaceutical Corporation. Plea of guilty. Fine, $500 and costs. (F. & D. no. 36090. Sample nos. 4577–B, 14190–B, 14191–B, 14192–B, 35978–B, 35984–B, 41782–B, 41785–B, 41788–B, 45473–B, 45475–B, 45476–B, 45481–B, 45482–B, 45485–B, 45486–B, 61429–B, 61438–B, 61440–B, 61445–B, 64005–B, 70151–B, 72663–B, 72664–B.)

This case involved the following drugs: Powdered extract of belladonna leaves, belladonna ointment, and powdered extract of stramonium, products recognized in the United States Pharmacopoeia, but which differed from the pharmacopoeial standard; one lot each of strychnine sulphate tablets and corrosive sublimate tablets, two lots of nitroglycerin tablets, and one lot of

fluidextract of ephedra which contained the labeled drugs in excess of the amount declared; and certain lots of strychnine sulphate tablets, nitroglycerin tablets, and various other drugs that contained smaller quantities of the drugs than declared on the labels.

On April 16, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Standard Pharmaceutical Corporation, Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act between the dates of January 9, 1935, and May 13, 1936, from the State of Maryland into the District of Columbia and the States of Alabama, Georgia, North Carolina, and New York of quantities of the above-named drugs a part of which were adulterated and the remainder of which were misbranded. The articles were labeled variously: "Tablets * * * Morphine Sulphate ½ Grain [or "¼ Grain"]"; "Tablets * * * Morphine Sulphate ¼ gr. Atropine Sulphate 1/150 gr."; "Tablets Strychnine Sulphate 1/40 Grain [or "1 Grain", "½ Grain", or "1/200"]"; "Tablets Nitroglycerin 1/100 Grain [or "1/150 Grain" or "1/200"]"; "Elixir Barbital * * * Each fluidounce contains Barbital 16 Grains"; "Tablets Arsenous Acid * * * 1 Grain [or "½ Grain"]"; "Tablets Corrosive Sublimate 1 Grain"; "Powdered Extract Belladonna Leaves U. S. P. Standard:—1.25% Alkaloids"; "Ointment Belladonna (Unguentum Belladonnae) U. S. P."; "Powdered Extract Stramonium (Ext. Stramonii) U. S. P. * * * Standard Pharmaceutical Corp. Baltimore, Md."; "Fluid Extract Ephedra * * * Each 100 cc yields 0.5 Gm. of the Alkaloids of Ephedra * * * Prepared For Standard Pharmaceutical Corp."; "Capsules * * * Santal Oil * * * 5 Minims Manufactured For Standard Pharmacentical Corp."

Certain of the products were alleged to be adulterated in that they were sold under names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation and their standards of strength, quality, and purity were not declared on the containers, viz: The powdered extract belladonna leaves yielded not more than 1.1 percent of the alkaloids of belladonna leaves, whereas the pharmacopoeia provided that extract of belladonna leaves should yield not less than 1.18 percent of the alkaloids of belladonna leaves; the belladonna ointment contained not more than 9 grams of pilular extract of belladonna per 100 grams, whereas the pharmacopoeia provided that belladonna ointment should contain not less than 10 grams of pilular extract of belladonna per 100 grams; the powdered extract stramonium yielded not more than 0.347 percent of the alkaloids of stramonium, whereas the pharmacopoeia provided that extract of stramonium should yield not less than 0.9 percent of the alkaloids of stramonium.

Adulteration of the above products and of certain of the others was charged in that their strength and purity fell below the professed standard and quality under which they were sold in the following respects: The powdered extract belladonna leaves, the belladonna ointment, and the powdered extract stramonium were represented to conform to the standard laid down in the United States Pharmacopoeia, and the powdered extract belladonna leaves was further labeled as containing 1.25 percent of the alkaloids of belladonna leaves, whereas the products did not conform to said standard and the powdered extract belladonna leaves contained less than 1.25 percent, namely, not more than 1.1 percent of the alkaloids of belladonna leaves; two of the lots of morphine sulphate tablets were represented to contain one-half grain of morphine sulphate each and one lot was represented to contain one-fourth grain of morphine sulphate per tablet, whereas samples of the former contained 0.37 grain and 0.39 grain of morphine sulphate per tablet and samples from the latter contained not more than 0.18 grain (approximately one-fifth grain) of morphine sulphate; two lots of the strychnine sulphate tablets were represented to contain 1 grain or one-half grain of strychnine sulphate per tablet, whereas the former contained not more than 0.78 grain, and the latter not more than 0.414 grain of strychnine sulphate per tablet; certain lots of the nitroglycerin tablets were represented to contain one one-hundredth of a grain of nitroglycerin per tablet, whereas samples from three of the four lots were found to contain 0.005, 0.0056, 0.0055 grain, respectively (approximately one two-hundredth of a grain), of nitroglycerin and samples from the fourth lot contained 0.0074 (approximately one one-hundred thirty-fifth grain of nitroglycerin; the arsenous acid tablets were represented to contain 1 grain or one-half grain of arsenous acid, whereas the former contained not more than 0.87 (seven-eighths) grain and

the latter contained not more than 0.375 (three-eighths) grain of arsenous acid per tablet; the morphine sulphate and atropine sulphate tablets were each represented to contain one-fourth grain of morphine sulphate, whereas they contained not more than 0.215 (approximately one-fifth) grain of morphine sulphate; the elixir barbital was represented to contain 16 grains of barbital per fluid ounce, whereas each fluid ounce contained less than represented, namely, not more than 11.6 grains of barbital; and the santal oil capsules were each represented to contain 5 minims of santal oil, whereas they contained less than represented, namely, not more than 4.28 minims of santal oil.

The remaining products were alleged to be misbranded in that certain statements on the labels were false and misleading in the following respects: One lot of strychnine tablets were labeled: "Tablets * * * Strychnine Sulphate 1/40 Grain", whereas the tablets contained more than declared, namely, not less than 0.029 approximately (one thirty-fifth) grain of strychnine sulphate; the fluidextract of ephedra was labeled "Fluid Extract Ephedra * * * Standard: Each 10 cc yields 0.5 Gm. of the Alkaloids of Ephedra", whereas each cubic centimeter yielded more than declared, namely, not less than 0.657 gram of ephedra; the corrosive sublimate tablets were labeled "Tablets Corrosive Sublimate 1 Grain", whereas the tablets contained more than declared, namely, not less than 1.125 grain of corrosive sublimate; two of the lots of nitroglycerin tablets were labeled, "Tablet * * * Nitroglycerin 1/150 [or "1/200"] Grain", whereas the tablets contained more than declared, the former containing not less than 0.012 (approximately one-eightieth) grain and the latter containing not less than 0.0083 (one one-hundred and twentieth) grain of nitroglycerin.

On May 20, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $500 and costs.

M. L. Wilson, *Acting Secretary of Agriculture.*

27353. Adulteration and misbranding of Geba. U. S. v. Vitamin Products Research Foundation, Inc. Plea of guilty. Fine, $25 and costs. (F. & D. no. 37946. Sample no. 48064–B.)

The labeling of this product contained misrepresentations regarding its value as a source of vitamin A, and false and fraudulent claims regarding its curative and therapeutic effects.

On September 29, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Vitamin Products Research Foundation, Inc., trading at Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 19, 1935, from the State of Illinois into the State of Wisconsin of a quantity of Geba which was adulterated and misbranded. The article was labeled in part: "Geba * * * Vitamin Products Research Foundation, Inc. * * * Chicago, Ill."

Microscopic examination showed that it consisted essentially of cereal starch, bran, and germ (embryo) tissues, apparently from wheat; analysis showed that it contained protein, starch, sugars, and compounds of calcium and magnesium, phosphates, and carbonates. Vitamin determination showed that it contained approximately 2 U. S. P. units of vitamin A per tablet.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be a good and excellent source of vitamin A; whereas it contained little, if any, vitamin A.

It was alleged to be misbranded in that the statements (circular) "A Vitamin Concentrate", "Geba * * * is an excellent source of Vitamin A", "Vitamin A * * * Geba Tablets are an excellent source of Vitamin A", and (jar) "A good source of vitamin A", were false and misleading since they represented that it was a good and excellent source of vitamin A, and that it was a vitamin concentrate; whereas it was not a good and excellent source of vitamin A and was not a vitamin concentrate since it contained little, if any, vitamin A. The article was alleged to be misbranded further in that certain statements, designs, and devices regarding its therapeutic and curative effects, contained in the circular shipped with it, falsely and fraudulently represented that it was effective to promote health, to help attain vigorous, robust mind and body, to provide elements vital to vigorous normal health, to build resistance to disease, to supply vitamin strength; effective to protect the system against bacterial infections such as common colds, infections of the eyes, ears, sinuses,

and glands of the mouth and throat; effective to stimulate growth and to promote well-being of all ages; effective to stimulate the appetite and the digestive system and to promote lactation; that it was of particular importance during prenatal and nursing periods of child life; and effective to give power to the reproductive organs; to prevent anemia and to regulate the constant production of blood; and effective as a treatment, remedy, and cure for nervousness, irritability, general listlessness, and beriberi.

On June 9, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $25 and costs.

M. L. Wilson, *Acting Secretary of Agriculture.*

27354. Adulteration and misbranding of Stark's Headache Powders. U. S. v. 142, 22, and 40 Packages of Stark's Headache Powders. Default decrees of condemnation and destruction. (F. & D. nos. 38549, 38550. Samples nos. 4038–C, 4039–C.)

The labeling of this product contained false and fraudulent therapeutic and curative claims. It also indicated that the article when used as directed, was a safe and appropriate medicine for the treatment or relief of headache and neuralgia, whereas it was not but was a dangerous drug when so used; and it failed to bear a correct statement of the quantity or proportion of acetanilid contained in the article.

On November 17 and November 18, 1936, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of twenty-two 10-cent- and one hundred eighty-two 25-cent-sized packages of Stark's Headache Powders at San Francisco, Calif., alleging that they had been shipped in interstate commerce in part by McKesson-Peter-Neat Co., on or about October 9, 1935, from Louisville, Ky., and in part by the Kells Co., Inc., on or about October 22, 1935, from Newburgh, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Stark's Headache Powders * * * Prepared by Stark's & Company Midway, Ky."

Analyses showed that it consisted essentially of acetanilid, caffeine, and sodium bicarbonate. Samples from one of the shipments averaged 6.99 grains of acetanilid per powder and from the other shipment, 6.5 grains of acetanilid per powder.

The article was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, "Contain 290 Grains Acetanilide U.S.P., per ounce", since it did contain much less than 290 grains of acetanilid U.S.P. per ounce.

It was alleged to be misbranded in that the statement, "Contain 290 Grains Acetanilide U.S.P. per ounce, or 6 Grains in Each Powder", borne on the label, was false and misleading since the article contained much less than 290 grains of acetanilid U.S.P. per ounce and more than 6 grains in each powder. The article was alleged to be misbranded further in that the package failed to bear on its label a statement of the quantity or proportion of acetanilid contained therein since the declaration of acetanilid made was incorrect. It was alleged to be misbranded further in that the statements (envelope, 10-cent size, and carton, 25-cent size) "Directions.—Put a powder on tongue and take a swallow of water. Repeat in two hours, if necessary. Take sparingly of food and drink", (circular, both sizes) "Directions: Place a powder on the tongue and take a swallow of water. If needed, take another powder in two hours. Always take a powder as soon as you feel the first symptoms of Headache or Neuralgia", (envelope, display package, and cartons) "Headache Powders * * * For Headache and Neuralgia", and (additional statements in circular) "Headache Powders * * * For the Relief of Headache and Neuralgia * * * 'Headache Powders work like a charm with me; have been a great sufferer all my life.' '* * * have entirely relieved me of the old sick headache which has troubled me for years' ", were false and misleading since they would mislead the purchaser to believe that the article was a safe and appropriate medicine for the treatment or relief of headache and neuralgia; whereas it was a dangerous drug when used as directed. The article was alleged to be misbranded further in that the statements set forth above were statements regarding its therapeutic and curative effects and were false and fraudulent.

On January 26, 1937, no claimant having appeared, judgments were entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27355. Misbranding of Tonic Wormite. U. S. v. Charles F. Schneider and Dennison W. Schneider (The Interstate Medical Co.). Pleas of guilty. Fine, $100 and costs. (F. & D. no. 38603. Sample nos. 63200–B, 63350–B.)

The labeling of this product contained false and fraudulent curative and therapeutic claims.

On May 6, 1937, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles F. Schneider and Dennison W. Schneider, copartners, trading as the Interstate Medical Co., at Kingsley, Iowa, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 7, 1936, from the State of Iowa into the State of Minnesota of quantities of Tonic Wormite that was misbranded. It was labeled in part: "Tonic Wormite * * * A Valuable Remedy for Worms in Pigs and Poultry * * * [or "A Valuable Remedy for Worms in Hogs"] * * * Prepared only by The Interstate Medical Co."

Analysis showed that it consisted essentially of magnesium sulphate (Epsom salt), plant material, sodium bicarbonate, sodium chloride, charcoal, and santonin.

The article was alleged to be misbranded in that certain statements, designs, and devices appearing on the label, regarding its therapeutic and curative effects, falsely and fraudulently represented that it was effective (in the case of the lot labeled "Remedy for Worms in Hogs") as a treatment, remedy, and cure for worms in hogs and poultry, effective to destroy the worms at once, and effective as a stock tonic and as a worm preventive; and in the case of the lot labeled "Remedy for Worms in Pigs and Poultry", that it was effective as a treatment, remedy, and cure for worms in pigs and poultry, effective to remove and destroy the worms at once, and effective as a worm preventive.

On May 24, 1937, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of $100 and costs.

M. L. Wilson, *Acting Secretary of Agriculture.*

27356. Adulteration and misbranding of Antiseptol. U. S. v. Cesare Sallusto (Giustino Sallusto Co.). Plea of guilty. Fine, $50. (F. & D. no. 38638. Sample no. 13218–C.)

This product did not possess the antiseptic and disinfectant properties claimed and its labeling contained false and fraudulent curative and therapeutic claims.

On May 12, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Cesare Sallusto, trading as the Giustino Sallusto Co., at Brooklyn, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 6, 1936, from the State of New York into the State of Ohio of a quantity of Antiseptol that was adulterated and misbranded. It was labeled in part: "Antiseptol * * * General Distributing Agents Giustino Sallusto Company."

Analysis of the article showed that it consisted essentially of boric acid, zinc sulphate, and menthol. Bacteriological examination showed that it was not an antiseptic and disinfectant when used as directed.

It was alleged to be adulterated in that there was affixed to its can-container a label that bore the statements "Antiseptic—Disinfectant (For Vaginal Douches)", that said statements were professions that the article possessed the strength of an antiseptic and of a disinfectant when used in douching the vagina, that the article did not possess such strength when so used, and that it fell below the professed standard of strength under which it was sold.

The article was alleged to be misbranded in that there was affixed to its can-container a label that bore the following statements, "Antiseptol * * * Antiseptic—Disinfectant * * * (For Vaginal Douches) Recommended for * * * disinfecting the female sexual organs * * * Add a teaspoonful of Antiseptol to a liter of boiled water and shake until dissolved. After it has cooled use as a vaginal douche", that the aforesaid statements were false and misleading since a mixture consisting of a teaspoonful of the article and a liter of boiled water, shaken until dissolved, and cooled could not be used effectively as an antiseptic and disinfectant in douching the vagina and female sexual organs. It was alleged to be misbranded further in that certain statements, designs, and devices regarding its therapeutic and curative effects falsely and fraudulently represented that it was effective to disinfect the female sexual organs, to soothe the burning caused by inflammations of the vaginal walls, to dissolve the mucous and pathological secretions in the female sexual organs,

and to obtain preventive action against any female disease and against infections in general.

On May 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

M. L. Wilson, *Acting Secretary of Agriculture.*

27357. Adulteration and misbranding of compressed brown mixture lozenges, Burrow's solution, ephedrine inhalant compound, and cod-liver oil. U. S. v. Purepac Corporation. Plea of guilty to certain counts. Plea of nolo contendere to remaining counts. Fine, $220. (F. & D. no. 38648. Sample nos. 39994–B, 53176–B, 53177–B, 53179–B, 55533–B.)

This case involved the following products: Compressed brown mixture lozenges that contained less ammonium chloride than declared on the label; Burrow's solution, a product recognized in the National Formulary as solution of aluminum acetate, which contained aluminum acetate in excess of the amount prescribed for said product in the formulary; ephedrine inhalant compound that contained less ephedrine alkaloid than declared on the label; cod-liver oil that was represented to be of pharmacopoeial standard but which contained less than 85 units of vitamin D per gram of cod-liver oil, the standard prescribed by the pharmacopoeia at the time of shipment.

On May 3, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Purepac Corporation, New York, N. Y., alleging shipment by said corporation in violation of the Food and Drugs Act on or about November 19, 1935, from the State of New York into the States of Maryland and Illinois of quantities of cod-liver oil that was adulterated and misbranded; and on or about February 20 and March 12, 1936, from the State of New York into the State of Florida of quantities of compressed brown mixture lozenges, Burrow's solution, and ephedrine inhalant compound that were adulterated and misbranded.

The articles were labeled in part: "Purepac Compressed Brown Mixture Lozenges without Opium * * * Brown Mixture, 75 minims and Ammonium Chloride, 3 grains [or "Burrows Solution * * *", "Ephedrine Inhalant Compound * * * Ephedrine Alk. 1% * * * contains Ephedrine Alk. 1%", or "Cod Liver Oil Vitamin Tested U. S. P. 10th Revision."] * * * Purepac Corp., New York, N. Y."

The compressed brown mixture lozenges were alleged to be adulterated in that they were sold under a professed standard and quality, namely, a profession that each of the lozenges contained 3 grains of ammonium chloride; whereas they contained less than 3 grains of ammonium chloride each, namely, not more than 0.9 grain thereof; and that their strength fell below the professed standard and quality under which they were sold. These lozenges were alleged to be misbranded in that the label affixed to the bottle bore the statements, "Brown Mixture Lozenges", "Brown Mixture", and "Ammonium Chloride, 3 grains"; that the aforesaid statements were false and misleading in that said article was not brown mixture; and in that the lozenges contained not more than 0.9 grain of ammonium chloride each.

Burrow's solution was alleged to be adulterated in that it was sold under the name "Burrows Solution"; that the name "Burrows Solution" had the same meaning as the name "Solution of Aluminum Acetate", a name recognized in the National Formulary; that the standard of strength, quality, and purity for solution of aluminum acetate as determined by the tests laid down in the aforesaid formulary official at the time of shipment of the article required that it be in an aqueous solution containing not more than 5.5 grams of aluminum acetate in each 100 cubic centimeters; that said Burrows Solution. or "Solution of Aluminum Acetate", contained more than 5.5 grams of aluminum acetate in each 100 cubic centimeters, namely, not less than 7 grams thereof.

The Burrow's solution was alleged to be misbranded in that there was affixed to the bottle a label which bore the statement "Burrows Solution"; that said name had the same meaning as the name, "Solution of Aluminum Acetate", a name recognized in the National Formulary; that the standard of strength, quality, and purity for solution of aluminum acetate, as determined by the test laid down in the aforesaid formulary official at the time of shipment of the article, required that it be an aqueous solution containing in each 100 cubic centimeters not more than 5.5 grams of aluminum acetate; whereas the article contained more than 5.5 grams of aluminum acetate in each 100 cubic centimeters, namely, not less than 7 grams thereof; that the above statement borne on the label was false and misleading.

The ephedrine inhalant compound was alleged to be adulterated in that it was sold under a professed standard and quality, namely, a profession that it was "Ephedrine Inhalant Compound, that Contains Ephedrine Alk. 1%", whereas it contained less than 1 percent of ephedrine alkaloid, namely, not more than 0.16 percent thereof; and that its strength fell below the professed standard and quality under which it was sold. It was alleged to be misbranded in that the carton and vial label bore the statements, "Ephedrine Inhalant Compound Contains Ephedrine Alk. 1%"; whereas it contained less than 1 percent of ephedrine alkaloid, namely, not more than 0.16 percent; and that therefore the statements aforesaid were false and misleading.

The cod-liver oil was alleged to be adulterated in that it was sold under the name "Cod Liver Oil", a name recognized in the United States Pharmacopoeia; that the standard of strength, quality, and purity for cod-liver oil as determined by the tests laid down in the pharmacopoeia at the time of the aforesaid shipment was 85 units of vitamin D per gram of cod-liver oil; and that the article contained less than 85 units of vitamin D per gram of cod-liver oil. It was alleged to be misbranded in that there was affixed to the bottle a label which bore the statement "Cod Liver Oil * * * U. S. P. 10th Revision"; that the standard of strength, quality, and purity for cod-liver oil official at the time of investigation of the article was that determined by the test laid down in a revision of the United States Pharmacopoeia, namely, Interim Revision Announcement No. 2, released January 1, 1935, and not the United States Pharmacopoeia tenth revision unrevised; that the article differed from the standard of strength, quality, and purity for cod-liver oil as determined by the tests laid down in the aforesaid revision of the pharmacopoeia; and that the aforesaid statement was false and misleading.

On May 28, 1937, a plea of guilty was entered on behalf of the defendant as to the counts relative to the compressed brown mixture lozenges, the Burrow's solution, and the ephedrine inhalant compound. On the same date a plea of nolo contendere was entered as to the remaining counts relative to the cod-liver oil. The court imposed a total fine of $220.

M. L. Wilson, *Acting Secretary of Agriculture.*

27358. Adulteration and misbranding of cod-liver oil. U. S. v. Sixteen 30-Gallon Drums of Cod-Liver Oil. Default decree of condemnation and destruction. (F. & D. no. 38909. Sample nos. 13042–C, 13043–C.)

This product was represented to conform to the standard laid down in the United States Pharmacopoeia, but fell below such standard and also below the standard declared on the label.

On January 7, 1937, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of sixteen 30-gallon drums of cod-liver oil at Trumansburg, N. Y., alleging that it had been shipped in interstate commerce between the dates of April 12 and August 7, 1935, by McKesson & Robbins, Inc., from Bridgeport, Conn., to Horseheads, N. Y., that it had been reshipped to Trumansburg, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Midnight Sun * * * Cod Liver Oil (Crude Medicinal) U. S. P."

It was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia since samples were found to require more than 1 cubic centimeter of tenth-normal sodium hydroxide for the neutralization of 2 grams of the sample, to deposit stearin when immersed in a mixture of ice and distilled water for 5 hours, and to contain less than 85 U. S. P. units of vitamin D per gram; whereas the U. S. P. X. Interim Revision Announcement No. 2 requires that cod-liver oil shall not require more than 1 cubic centimeter of tenth-normal sodium hydroxide for the neutralization of a 2-gram sample; that it shall not deposit stearin when immersed in a mixture of ice and distilled water for 5 hours and shall not contain less than 85 U. S. P. units of vitamin D per gram. The article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Each (Gram) Contains U. S. P. X. 1934 Revised * * * (95) Vit. D. Units."

The article was alleged to be misbranded in that the statements appearing on the package or label, "Superfine Poultry Cod Liver Oil * * * U. S. P. * * * Each (Gram) Contains U. S. P. X. 1934, Revised * * * (95)

Vit. D. Units", were false and misleading since they represented that it was cod-liver oil U. S. P., each gram of which contained U. S. P. X. 1934 revised 95 vitamin D units; whereas each gram contained a less amount.

On May 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27359. Misbranding of Rawleigh's All-Medicine Hog Mixture. U. S. v. 106 Pails and 60 Packages of Rawleigh's All-Medicine Hog Mixture. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 38962. Sample nos. 19545–C, 19671–C, 19672–C).

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On January 18, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 106 pails, containing 25 pounds each, and sixty 6-pound packages of Rawleigh's All-Medicine Hog Mixture at Minneapolis, Minn., alleging that it had been shipped in interstate commerce on or about October 29, November 2, 16, and 24, 1936, by the W. T. Rawleigh Co., from Freeport, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample showed that the article consisted essentially of sodium chloride, sodium phosphate, sodium thiosulphate, sodium bicarbonate, sodium sulphate, ferrous sulphate, sulphur, charcoal, and extracts of plant drugs including a laxative drug.

It was alleged to be misbranded in that certain statements regarding its curative and therapeutic effects, appearing on the label of the 25-pound pails and in a circular enclosed therewith, falsely and fraudulently represented that it was effective for stimulating the appetite and toning up the digestive processes in conditions of impaired nutrition for which an invigorating tonic is needed, and as a tonic for horses, cattle, sheep and mules; effective for fattening pigs and to keep pigs growing; was effective to stimulate the appetite and to keep the appetite good and the digestive organs vigorous; and certain statements on the retail can label of the 6-pound packages falsely and fraudulently represented that the article was effective to fatten hogs, brood sows, and shoats and pigs; to stimulate sluggish liver and to aid in overcoming intestinal indigestion; effective to prevent fermentation caused by fungi in the alimentary canal; effective in gastric intestinal bleeding, gastric ulcers, and chronic catarrh of the stomach; effective to soothe and to increase the flow of saliva, to relieve flatulency, and to promote digestion; effective as having a general laxative effect upon the skin and the linings of the stomach and as a mild stimulant; effective to destroy disease germs, to increase solubility of food, and to give relief from that form of indigestion which is accompanied by flatulency; effective to absorb gases, to purify the stomach and intestines, to prevent growth of disease germs by depriving them of moisture, to relieve pain in the stomach, and to aid the cure of fermentation, dyspepsia, and catarrh; effective to produce disease-resisting vitality and strength; effective as a highly concentrated tonic and alterative and stimulant; effective to tone up the system, to improve the appetite, to aid in the process of digestive assimilation and elimination, and to promote greater strength and more vigorous functional activity and health; effective to give greater vitality and natural power of resistance against disease; effective to guard against loss from disease; effective to keep the digestive tract alkaline, and thereby to aid in preventing the growth of necrotic and other types of enteritis bacteria.

On March 3, 1937, the W. T. Rawleigh Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

27360. Misbranding of Elco-Rub. U. S. v. 30 Jars of Elco-Rub. Default decree of condemnation and destruction. (F. & D. no. 38969. Sample no. 19673–C.)

The labeling of this product bore false and fraudulent curative or therapeutic claims.

On January 19, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court

a libel praying seizure and condemnation of 30 jars of Elco-Rub at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about December 12, 1936, by the Erie Laboratories from Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of petrolatum, oil of eucalyptus, methyl salicylate, camphor, menthol, oil of turpentine, and guaiacol.

The article was alleged to be misbranded in that the statements, "Internally—If cough is persistent and annoying, swallow a quarter of a teaspoonful every few hours * * * Sore Throat Croup Whooping Cough * * * Rheumatism Stiff Neck * * * Nasal Catarrh", appearing on the jar label, regarding its curative or therapeutic effects, were false and fraudulent.

On March 3, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27361. Adulteration and misbranding of sutures. U. S. v. 96 Envelopes of Sutures. Default decree of condemnation and destruction. (F. & D. no. 39016. Sample no. 33815–C.)

This case involved sutures that were contaminated with viable micro-organisms and spores.

On February 3, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 envelopes of sutures at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about September 22, 1936, by the Laboratory of the Ramsey Co. [County] Medical Society from St. Paul, Minn., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Plain Pyoktanin Catgut."

It was alleged to be adulterated in that its purity fell below the professed standard of quality under which it was sold, namely, plain pyoktanin catgut, since it was not "Plain * * * Catgut" but contained viable micro-organisms and spores, which contaminated it.

The article was alleged to be misbranded in that the statement "Plain Pyoktanin Catgut", borne on the label, was false and misleading when applied to catgut that was contaminated with viable micro-organisms and spores. It was alleged to be misbranded further in that it was offered for sale under the name of another article, namely, plain pyoktanin catgut, since plain pyoktanin catgut is a sterile, not a contaminated article.

On April 12, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27362. Adulteration of jalap. U. S. v. 1,016 Kilograms of an Article Represented to be Jalap. Default decree of condemnation and destruction. (F. & D. no. 39060. Sample no. 16991–C.)

This article was represented to be jalap, a product recognized in the National Formulary but differed from the standard established by that authority since 99.6 percent of the resin derived from the product was soluble in chloroform and 95.4 percent of the resin was soluble in ether; whereas the formulary provides that not more than 30 percent of the resin obtained from jalap shall be soluble in chloroform and that not more than 12 percent of the resin so obtained shall be soluble in ether.

On February 10, 1937, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,016 kilograms of an article represented to be jalap at Norwich, N. Y., alleging that on or about August 19, 1936, the product was invoiced by P. Grossmann, Mexico City, Mexico, as jalap; that it was shipped from Vera Cruz, Mexico, on or about August 19, 1936, to New York, N. Y., and was reshipped to Norwich, N. Y., arriving at destination September 16, 1936, and that it was adulterated in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it was sold under the name "jalap", a name recognized in the National Formulary, and differed from the standard of strength, quality, or purity as determined by the test laid down in said formulary and its own standard of strength, quality, or purity was not stated.

On March 31, 1937, no claimant having appeared, judgment of condemnation was enterd and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27363. Misbranding of Rozel Douche Powder. U. S. v. 73 Packages of Rozen [Rozel] Douche Powder. Default decree of condemnation and destruction. (F. & D. no. 39038. Sample no. 37402–C.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On February 5, 1937, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 73 packages of Rozel Douche Powder at Syracuse, N. Y., alleging that it had been shipped in interstate commerce on or about August 6, 1936, by the Rozel Laboratories from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of boric acid, sodium chloride, ammonium alum, with small proportions of phenol and menthol.

It was alleged to be misbranded in that the statements regarding its curative and therapeutic effects, "For inflammations, irritations, leucorrhea, * * * and conditions in which an astringent wash is indicated. * * * for inflammation For Feminine Hygiene", borne on the package label, were false and fraudulent.

On March 31, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27364. Misbranding of Cadum Ointment. U. S. v. 139 Tins of Cadum Ointment. Default decree of condemnation and destruction. (F. & D. no. 39048. Sample no. 13723–C.)

The circular accompanying this product contained false and fraudulent curative and therapeutic claims. The article contained more zinc oxide and less sulphur than declared on the label.

On February 6, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 139 tins of Cadum Ointment at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about February 20, 1936, by the Block Drug Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. It was labeled: "Cadum Ointment Made in America by the Omega Chemical Co., New York."

Analysis showed that the article consisted essentially of zinc oxide (20.4 percent), sulphur (4.6 percent), salicylic acid, and oil of cade in a petrolatum and wax base.

It was alleged to be misbranded in that the statement "Zinc Oxide 13.25%, Sulfur 8.98%", borne on the tin and the carton, was false and misleading when applied to an article containing less [correctly, more] than 13.25 percent of zinc and less than 8.98 percent of sulphur.

The article was alleged to be misbranded further in that the statements in foreign languages, regarding its curative or therapeutic effects, "Eczema-Pimples, Pustules, Blotches, Wounds, Inflammation, Skin Diseases, Ulcers of the Skin, Injuries of the Skin, Boils, Irritating Hemorrhoids, Diseases of the Scalp in Children", printed in a circular contained in the packages, were false and fraudulent.

On April 3, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27365. Misbranding of Verified Magnesia Dental Cream. U. S. v. 288 Packages of Verified Magnesia Dental Cream. Default decree of condemnation and destruction. (F. & D. no. 39089. Sample no. 32027–C.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects. It also conveyed the misleading impression that the article was essentially a preparation of magnesia and had been examined and approved by some branch of the United States Government, whereas it contained but a small amount of magnesia and had not been approved by the Government.

On February 18, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 288 packages of Verified Magnesia Dental Cream at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about January 21, 1937, by the American Co., from

Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: "Verified Magnesia Dental Cream The Verified Products Co. New York."

Analysis showed that the article consisted essentially of calcium carbonate (33.1 percent), magnesium oxide (approximately 2 percent), glycerin, saccharin, soap, starch, oil of peppermint, and water.

It was alleged to be misbranded in that the statements (carton and tube) "Magnesia Dental Cream", (carton only) "Combination of Aromatic Constituents with Dental Magnesia", were false and misleading when applied to an article that contained a large amount of calcium carbonate and a relatively small amount of magnesia; it was alleged to be misbranded further in that the statements "Evidence Of Purity Institute Of Industrial Research Laboratories Washington, D. C. Report—I have just completed a comprehensive analysis of this product and the assay shows that it conforms to the highest standard of efficiency and in my opinion it meets every desire in a perfect cream. Subscribed and sworn to before me G Elmer Flather Notary Public H. C. Fuller In Charge—Div. of Food and Drugs", were misleading since they created the impression that the article had been tested and approved by some branch of the United States Government; whereas it had not. The article was alleged to be misbranded further in that the statements, "helps prevent decay. A triumph in mouth, teeth and gum prophylaxis", borne on the carton labels, were statements regarding its curative and therapeutic effects and were false and fraudulent.

On April 8, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27366. Misbranding of Sasa Scalp and Skin Aid. U. S. v. 65 Bottles and 656 Bottles of Sasa Scalp and Skin Aid. Default decree of condemnation and destruction. (F. & D. no. 39107. Sample no. 28303–C.)

The labeling of this product contained false and fraudulent representations regarding its curative and therapeutic effects.

On March 12, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of sixty-five 8-ounce bottles and 656 16-ounce bottles of Sasa Scalp and Skin Aid at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about November 3, November 9, and November 30, 1936, by Sasa Distributors, Sasa Prod., and Sasa Dist. Co., from Portland, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample showed that it consisted essentially of water and alcohol with small quantities of borax, arsenic, caramel, and oil of cinnamon.

The article was alleged to be misbranded in that the statements, (shipping carton) "Dandruff Falling Hair—Eczema Itchy Scalp" and (bottle) "Treatment for Dandruff Falling Hair Eczema and Itchy Scalp Dandruff Falling Hair Itchy Scalp. * * * Eczema—of the scalp or skin anywhere. Apply Sasa twice each day", regarding its curative and therapeutic effects, were false and fraudulent.

On April 1, 1937, no claimants having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27367. Misbranding of Uriseptin. U. S. v. 10 Bottles of Uriseptin. Default decree of condemnation and destruction. (F. & D. no. 39108. Sample no. 33401–C.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On or about February 23, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bottles of Uriseptin at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about September 11, 1936, by the Gardner Laboratories from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted of methenamine, water, glycerin, extracts of plant materials, including corn silk, and small amounts of alcohol and salts of sodium, potassium, and lithium.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects, (bottle, carton, and circular) "Urinary Antiseptic Urid Acid Solvent * * * Uriseptin", and (circular) "Makes the Urine Antiseptic Keeps the Urinary Tract Aseptic The only Urinary Antiseptic * * * Uriseptin is readily assimilated and is decomposed in the Kidneys Liberates Formaldehyd slowly destroying bacteria, inhibiting further growth of micro-organisms, and preventing decomposition of the urine. * * * The ideal treatment for inflammatory conditions of the genito-urinary tract * * * and render it antiseptic, bactericidal, * * * Actual clinical investigation proves that Uriseptin does this and does it promptly. It is quickly assimilated, decomposed in the kidneys, slowly liberating the Formaldehyd (antiseptic and bactericide) which then forms soluble compounds with the uric acid and urates. * * * Hence Uriseptin is indicated in Nephritis, Pyelitis, Urethritis, Cystitis, Calculus, Rheumatism, Gout, Pneumonia, Bacteriuria, Gonorrhea, Gleet, all suppurative diseases of urinary tract", were false and fraudulent.

On April 9, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27368. Misbranding of Rubbing Isopropyl Alcohol Compound. U. S. v. 345 Bottles and 357 Bottles of Bingo Brand Rubbing (Isopropyl) Alcohol Compound. Default decrees of condemnation and destruction. (F. & D. nos. 39142, 39143. Sample nos. 21766–C, 21767–C.)

This product consisted essentially of isopropyl alcohol and water and was sold as a rubbing alcohol compound, a term which has long been used to connote a preparation made from grain alcohol. The word "Isopropyl" on the label was relatively small and inconspicuous. The package failed to bear a statement of the quantity or proportion of isopropyl alcohol contained in the article since the statement on the label was meaningless.

On March 1, 1937, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 702 bottles of Bingo Brand Rubbing (Isopropyl) Alcohol Compound, in part at Leesville, La., and in part at Logansport, La., alleging that it had been shipped in interstate commerce on or about September 11, 1936, January 11, and February 1, 1937, by the Bingo Co., from Houston, Tex., and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statements "Rubbing (Isopropyl) Alcohol Compound", borne on the bottle labels, were false and misleading since the term "rubbing alcohol compound" had long been used to connote a preparation made with ordinary (grain) alcohol and was misleading when applied to an article that contained no ordinary (grain) alcohol but did contain isopropyl alcohol, a chemically different substance, and in that the term "isopropyl" was in type so relatively small as to be inconspicuous and to escape notice. The article was alleged to be misbranded further in that its package failed to bear upon its label a statement of the quantity or proportion of isopropyl alcohol contained therein since the words "Contents, Isopropyl Alcohol 70 Proof" were meaningless when applied to a mixture of isopropyl alcohol and water.

On April 26 and June 21, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27369. Adulteration and misbranding of Neo-Cultol. U. S. v. 69 Bottles of Neo-Cultol. Default decree of condemnation and destruction. (F. & D. no. 39158. Sample no. 11749–C.)

This product fell below the professed standard and quality under which it was sold, and its labeling bore false and misleading representations regarding its composition and false and fraudulent representations regarding its therapeutic usefulness.

On or about March 4, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 bottles of Neo-Cultol at Boston, Mass., alleging that it had been shipped in interstate commerce on or about December 31, 1936, by the Arlington Chemical Co., from Yonkers, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Examination showed that the article contained per teaspoonful not more than 40,000 acidophilus bacilli and at least 50,000,000 other viable micro-organisms.

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (carton) "Bacillus Acidophilus in a refined Mineral Oil Jelly. * * * Dose: One to two teaspoonfuls as directed by the physician", since it contained in the recommended dose but a negligible number of acidophilus bacilli and it was contaminated with a large proportion of other viable micro-organisms.

The article was alleged to be misbranded in that the statement on the label, "Bacillus Acidophilus in a refined Mineral Oil Jelly", was false and misleading, since it created the impression that the article consisted of a culture of acidophilus bacillus; whereas it contained relatively few acidophilus bacilli and a relatively large number of other viable micro-organisms. It was alleged to be misbranded further in that the statement on the label, "Bacillus Acidophilus in a refined Mineral Oil Jelly. * * * Dose: One to two teaspoonfuls as directed by the physician", was false and fraudulent since it created the impression that the article was a therapeutically useful culture of acidophilus bacillus, when in fact it was essentially worthless as a culture of *Bacillus acidophilus* for therapeutic use because the proportion of acidophilus bacilli was too small to be of any therapeutic significance and also because it contained a relatively large proportion of viable micro-organisms other than *B. acidophilus*.

On April 12, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered by the court that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27370. Adulteration and misbranding of Sterilastic Surgical Dressing. U. S. v. 9 Packages of Sterilastic Surgical Dressing. Default decree of condemnation and destruction. (F. & D. no. 39183. Sample no. 20560–C.)

This article was represented on the label to be sterile, when it was not sterile but contained aerobic and anaerobic micro-organisms.

On March 8, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine packages of Sterilastic Surgical Dressing at Providence, R. I., alleging that it had been shipped in interstate commerce on or about October 29, 1936, by Surgical Dressings, Inc., from Boston, Mass., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

It was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold, namely, (on the carton) "Sterile * * * Both the Sterilastic and the gauze in this package have been sterilized", in that it was not sterile but contained viable aerobic and anaerobic micro-organisms.

The article was alleged to be misbranded in that the designation "Sterilastic * * * Surgical Dressing", and the statements, "Sterile", and "Both the Sterilastic and the gauze in this package have been sterilized", borne on the package, were false and misleading when applied to an article that was not sterile but contained viable aerobic and anaerobic micro-organisms. It was alleged to be misbranded further in that statements regarding its curative or therapeutic effect, namely, (carton) "First Aid Wound Protection" and (circular) "Sterilastic is * * * effective", were false and fraudulent.

On March 31, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27371. Misbranding of Lawrence's Liniment. U. S. v. 69 Bottles of Lawrence's Liniment. Default decree of condemnation and destruction. (F. & D. no. 39187. Sample no. 21768–C.)

This product contained less alcohol and more chloroform than declared, and its labeling bore false and fraudulent curative and therapeutic claims.

On March 9, 1937, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 bottles of Lawrence's Liniment at Shreveport, La., alleging that it had been shipped in interstate commerce on or about February 8, 1937, by Crain's Corner Drug Store from Longview, Tex., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of glycerin, phenol, iodine, alcohol (2.8 percent by volume), and chloroform (27 minims per fluid ounce).

It was alleged to be misbranded in that the statement "Alcohol 5% Chloroform 20 minims to ounce", on the carton and bottle label, was false and misleading since the article contained less than 5 percent of alcohol and more than 20 minims of chloroform to the ounce. The article was alleged to be misbranded further in that the following statements appearing on the bottle label and the carton, regarding its curative or therapeutic effects, were false and fraudulent: (Bottle) "Intended to be Used in the Treatment of Croup Apply freely over upper part of chest and throat, repeat every ten min. until breathing becomes easy and free"; (carton) "Intended to be used in the Treatment of Croup A Valuable Remedy For Spasmodic Croup * * * Apply freely over chest and throat and repeat in 10 minutes if not relieved. Use externally in all cases where the liniment is needed. For Pains And Soreness In Lungs In Numerous Cases Lawrence's Liniment Has Relieved Spasmodic Croup In Fifteen Minutes."

On June 21, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27372. Misbranding of Menard's French Croup Suet. U. S. v. 93 Packages and 141 Packages of Menard's French Croup Suet. Default decrees of condemnation and destruction. (F. & D. nos. 39192, 39263. Sample nos. 21637–C, 21747–C.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On March 10 and March 25, 1937, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 234 packages of Menard's French Croup Suet at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about November 7, 1936, and February 24, 1937, by Menard & Watson from Macon, Ga., and charging misbranding in violation of the Food and Drugs Act as amended.

A sample of the article was found to consist essentially of creosote and volatile oils, including camphor, incorporated in a fat.

The article was alleged to be misbranded in that the statements regarding its curative or therapeutic effects, (carton) "French Croup Suet * * * Remedy for Croup * * * in the treatment of infants * * * Can be used on an infant a week old with the most marvelously good results A Sure Cold Stop", (box) "French Croup Suet * * * Remedy for Croup", were false and fraudulent.

On April 14 and May 3, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27373. Adulteration and misbranding of Enterocap Oralsulin. U. S. v. 4 Bottles and 1 Bottle of Enterocap Oralsulin. Default decree of condemnation and destruction. (F. & D. no. 39248. Sample nos. 21730–C, 21735–C.)

This product was labeled to indicate that it was a preparation of insulin to be administered orally. Examination showed that it contained no insulin, also that the labeling bore false and fraudulent representations regarding its curative or therapeutic effects.

On March 23, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five bottles of Enterocap Oralsulin at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about January 2, 1937, by Lafayette Pharmacal, Inc., from Lafayette, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: (Bottle) "100 Enterocap Oralsulin Dose A [or "Dose C"]."

Analysis of a sample of the article by this Department showed that it consisted essentially of powdered animal substance. Biological examination indicated that the article did not contain insulin.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Oralsulin", a name suggesting oral insulin, since it did not contain insulin.

It was alleged to be misbranded in that the statements, (bottle, carton, and circular) "Oralsulin", and (circular) "Oralsulin is rigidly standardized as to its uniformity", were false and misleading, when applied to an article that did not contain insulin. It was alleged to be misbranded further in that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Carton) "Oral Treatment * * * Diabetes Mellitus. It is generally recognized that the pancreas controls carbohydrate functioning which in turn points the way to needed treatment. Restoration of coordinate endocrine pancreatic functioning is a solution of the treatment problem. Simultaneous employment of Oralsulin as Substitutive and Homostimulative treatment with specific treatment is the aim to restore coordination. Oralsulin is both Substitutive and Homostimulative. Administration of Oralsulin should follow diet control, and continued, varied, increased or decreased as conditions permit, along with gradual liberalization of the diet. Blood examination at intervals, with the usual urine observations, are the only genuinely reliable indicators to determine dosage required and diet restrictions. Four doses a day, one or two hours before food and at retiring time. Begin with an A or B or one of the combinations, or such dosage combinations as the symptoms require. Oralsulin is contraindicated in Diabetes of hepatic origin"; (circular) "Oral Treatment Diabetes Mellitus * * * Diabetes Therapy In the treatment of Diabetes Mellitus extreme interest was aroused by the introduction of Insulin. As in the case of anything original or novel in therapeutics, many claims were made; and results anticipated have been modified to a considerable degree as a result of practical use. Naturally enough, the advent of Insulin stimulated investigation and research having for its object the development of an Oral Medication, rather than the use of the hypodermic method. The main handicap was of course recognized to be the factor of gastric digestion or modification; because medicinal animal substances contain endocrine as well as chemical substances of a protein character. The introduction of these into the stomach unprotected, immediately exposes them to modification or even destruction. Can such substances be adequately protected? The answer to this vitally important question is found in the form of Enterocap Oralsulin. Pronounced En'-ter''-o-cap O'-ral''-su-lin. * * * Enterocap Oralsulin attempts to solve the problem of the endocrine hormone oral treatment of diabetes mellitus. Safe, Simple, Effective * * * Enterocap Oralsulin treatment is secondary and supplementary to dietetic treatment, just as in any similar treatment. Dietary control and the establishment of a rational diet must be instituted as the beginning of treatment. During this time frequent urine and blood readings and records must be made, that treatment may be established on a rational basis. After diet control has been established the administration of Enterocap Oralsulin should be begun. Enterocap Oralsulin should be administered three or four times per day, one or two hours before food and at retiring time. The initial dose should be small—as a rule the Oralsulin and Duodenal combination with no increase in the size or number of the daily dosage for a week's time. Then the dose may be increased if necessary to * * * three or four times a day for a week. If necessary, further dosage increase may be made until the proper dose for that individual case has been determined. This is shown by a clearing up of the urine and approach or return of the blood sugar to normal. The number and size of doses of Enterocap Oralsulin to establish this control depend upon the individual case. After control has been established, the diet may be made more liberal. The ultimate object of Enterocap Oralsulin is to hold the blood sugar at normal under a diet that will not only sustain life but permit of usual activity, while the patient can eat food available in the home or ordinary restaurant. Oralsulin should not be employed in excessive doses for rapid or heroic action. Intelligently used, Enterocap Oralsulin is well worth consideration in all selected cases of diabetes mellitus."

On May 3, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27374. Misbranding of Rx 333. U. S. v. 64 Cartons of "Rx 333 * * *." Default decree of condemnation and destruction. (F. & D. no. 39252. Sample no. 37221–C.)

The label of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On March 23, 1937, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 64 cartons of Rx 333 at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce on or about August 25, 1936, by the Erie Laboratories from Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of aspirin and sodium salicylate.

The article was alleged to be misbranded in that the statements regarding its curative and therapeutic effects, "The Guaranteed Remedy for Prompt Relief of Pain caused by Rheumatism, Lumbago, Neuralgia, Gout, Arthritis, Sciatica, Neuritis, Swollen Joints", appearing on the label were false and fraudulent.

On May 14, 1937, a default decree of condemnation and destruction was entered.

M. L. WILSON, *Acting Secretary of Agriculture.*

27375. Misbranding of Picot Grape Flavored Salt and Picot Compound Tablets. U. S. v. 60 Dozen Packages of Picot Grape Flavored Salt, et al. Default decrees of condemnation and destruction. (F. & D. nos. 39259, 39260. Sample nos. 26851–C to 26855–C, incl.)

The labeling of these products contained false and fraudulent curative and therapeutic claims; that of the so-called "Grape Flavored Salt" also contained false and misleading representations as to its composition.

On March 25, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 414 various sized packages of Picot Grape Flavored Salt and 21 packages of Picot Compound Tablets at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about February 9 and February 12, 1937, by Picot Laboratories, Inc., from Wilmington, Del., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the Grape Flavored Salt showed that it consisted essentially of sodium bicarbonate, potassium bitartrate, and tartaric acid with small amounts of sugar and saccharin. It was not colored and had no grape-like taste or odor. Analysis of a sample of the tablets showed that they consisted essentially of sodium salicylate, sodium benzoate, potassium nitrate, magnesium carbonate, uva ursi, and oil of juniper.

The Grape Flavored Salt was alleged to be misbranded in that the following statements in English or Spanish regarding its curative and therapeutic effects, "Grape Flavored Salt * * * Refreshing Beverage * * * it is flavored and colored with natural pure Grape Extract. * * * To protect the public against imitations we have changed our name to 'Picot Salt' because the mark 'Grape Salt' could not be patented. The product * * * contains the same ingredients derived from the grape which it has always contained. * * * Grape Flavored Salt * * * Refreshing Beverage * * * it is flavored and colored with natural pure Grape Extract * * * He who does not ascertain whether it is genuine Picot Grape Salt that he is taking, does not know what he is taking. If It Is Not Picot It Is Not Grape Salt. * * * Refreshing Beverage: A teaspoonful in a glass filled with ice water makes a very agreeable beverage. * * * its taste and color are due to the pure, natural extract of grape which it contains", borne on the wrapper, bottle label, and circular, were false and misleading when applied to an article consisting of the ingredients disclosed by the analysis. The Grape Flavored Salt was alleged to be misbranded further in that the statements in Spanish (card and circular) "Sure Treatment For Rheumatism Rheumatism cannot be cured with local treatments. It is first necessary to expel the uric acid and then to eradicate the acute pain with a medicine which reaches the heart of the ailment. We can recommend as the surest treatment a teaspoonful of Picot Grape Salt in half a glass of water before the first breakfast, two tablets of Picot Compound after each meal and the same dose when going to bed. You will note positive results in three weeks", and (circular) "Protect Your Health With Picot Products * * * stimulates the stomach", borne on the labeling, were false and fraudulent.

The tablets were alleged to be misbranded in that the circular enclosed in the package contained false and fraudulent representations regarding their curative and therapeutic effectiveness as a stimulant and antirheumatic; their effectiveness in the treatment of rheumatism, pains in the back, loins, and lumbar regions; their effectiveness as a sure treatment for rheumatism and as an

aid to the stomach and kidneys; and their effectiveness to expel poisons from the blood.

On April 10, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27376. Misbranding of Alberty's Calcatine, Alberty's Liver Cell Salts, Alberty's Lebara Organic Pellets, and Alberty's Anti-Diabetic Vegetable Compound Capsules. U. S. v. Mrs. Adah Alberty (Alberty Food Laboratories). Tried to a jury. Verdict of guilty. Fine, $1,000 and costs. Affirmed by Circuit Court of Appeals. (F. & D. no. 32879. Sample nos. 34867–A to 34871–A, incl., 37305–A, 38255–A, 38256–A, 41209–A.)

The labelings of these products bore false and fraudulent curative and therapeutic claims.

On October 31, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mrs. Adah Alberty, trading as the Alberty Food Laboratories, alleging shipment by said defendant in violation of the Food and Drugs Act as amended, between the dates of March 25, 1932, and April 5, 1933, from the State of California into the States of Pennsylvania, Washington, and Minnesota of quantities of the above-named products which were misbranded. The articles were labeled in part variously: "Alberty's Calcatine. A Cell and Tissue Salts * * * Alberty's Food Laboratories, Los Angeles"; "Alberty's Liver Cell Salts * * * Alberty Food Laboratories * * * Los Angeles"; "Alberty's Calcatine Different Elements Organic Calcium * * * Alberty's Food Laboratories * * * Hollywood, Calif."; "Alberty's Lebara Organic Pellets Formerly Liver Cell Salts * * * Alberty Food Laboratories * * * Hollywood, Calif."; "Alberty's Anti-Diabetic Vegetable Compound Capsules * * * Manufactured for The Alberty Food Laboratories * * * Hollywood, Calif."

Analyses of samples of the articles by this Department showed that Alberty's Calcatine consisted essentially of milk sugar, a small proportion of calcium phosphate, traces of compounds of iron, magnesium, sodium, and potassium, and chlorides; Alberty's Liver Cell Salts consisted essentially of milk sugar, a small proportion of calcium phosphate, and traces of compounds of iron, magnesium, sodium, and potassium, and chlorides; Alberty's Lebara Organic Pellets consisted essentially of milk sugar, a small proportion of calcium phosphate, traces of compounds of iron, magnesium, sodium, and potassium, and a trace of chloride; Alberty's Anti-Diabetic Vegetable Compound Capsules consisted essentially of powdered plant material, including leaf, stem, and root tissues, and possibly a fruit or seed tissue.

The articles were alleged to be misbranded in that certain statements in the labeling regarding their curative and therapeutic effects were false and fraudulent in the following respects: The bottle label of one lot of the Calcatine falsely and fraudulently represented that the article was effective as a cell and tissue salts; effective as a remedy for the growing organism and as a corrective of constitutional defects; effective as a treatment, remedy, and cure for acidosis, indigestion, calcium starvation, diarrhea, brain irritation, and teething in children; and effective as a tonic in acute diseases, constitutional weaknesses, emaciation, bone diseases, and scrofulous and tubercular tendencies; the bottle label of the remaining shipments of Calcatine falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for calcium deficiency and as an aid in the treatment of acidosis and ailments of the teeth and bones; the bottle label of the Liver Cell Salts falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for malarial disorders, biliousness and diseases of the liver and uric acid diathesis and for ailments marked by excessive secretion of bile and derangement of the liver, gravel, sand in the uterine [urine], biliousness, headache with vomiting of bile, bitter taste, diabetes, trouble arising from living in damp places, malaria, and gout; the bottle label of the Lebara Organic Pellets falsely and fraudulently represented that the article was effective as a liver cell salts, as an aid in the treatment of acidosis, dormant liver, bile secretions, and in clearing the complexion; and that the box label of the Anti-Diabetic Vegetable Compound Capsules falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for diabetes.

The defendant having entered a plea of not guilty and a jury having been sworn, the trial was commenced on December 4, 1936. The court recessed and the trial was resumed on December 7, and was completed December 10, 1936, on which date the jury returned a verdict of guilty on all counts. On December 14, 1936, counsel for the defendant moved for an arrest of judgment and this motion having been denied, moved for a new trial which was argued and also was denied. The court thereupon imposed a fine of $1,000 and costs. On appeal to the Circuit Court of Appeals for the Ninth Circuit, the judgment of the district court was affirmed on July 19, 1937, with the following opinion:

DENMAN, *Circuit Judge:* Appellant, Mrs. Adah Alberty, was convicted on ten counts of an information charging violations of the Food and Drugs Act, 34 Stat. 769 (21 USCA §§2, 10) in that she shipped in interstate commerce certain articles wilfully misbranded. The articles were Alberty's Calcatine, labeled to be used for acidosis, indigestion, "calcium starvation", diarrhea, brain irritation, and a number of other afflictions; Alberty's Liver Cell Salts for "Ailments marked by excessive secretions of bile and derangement of the liver, gravel, sand in the uterine, biliousness, headache with vomiting of bile, bitter taste, diabetes, trouble arising from living in damp places, malaria, gout"; Alberty's Lebara Organic Pellets for acidosis, dormant liver, and other ills; and Alberty's Anti-Diabetic Vegetable Compound Capsules. This last material purported, apparently, to be effective only for diabetes.

Appellant, without requesting the giving of an instruction for a verdict for defendant, and without claiming in her assignments of error that there is no sufficient evidence to warrant the verdict, asks us to review the 178 pages of testimony in the transcript to determine whether there is such sufficiency. Her counsel asserts that he undertook the defense in this criminal case without preparing himself in Federal procedure, to the extent of making available for his client this elementary requirement. The frankness of counsel's admission is commendable. Aside from a lack of knowledge of procedure the record shows a well conducted defense below and here. However, if such a claim were a cure for error, it would tend to encourage the presence in federal trials of lawyers who relied upon their knowledge of state procedure and neglected the preliminary study of that of the federal courts.

Under our rules a claim of plain error may at our discretion be considered though not assigned. However, it is essential that at least *the claim is plain.* Here appellant's brief makes general statements as to inferences to be drawn from the testimony, but neither cites the testimony itself nor refers to the pages of the long transcript in which it appears. Wiborg v. U. S. 163 U. S. 632, and other cases cited, where the discretion has been exercised, have been cases of offenses involving imprisonment for considerable terms. Here there are mere fines of $100 for each violation of a statute creating misdemeanors, and we see no abuse of discretion in declining to ignore the absence of the request for the instruction and the assignment of error.

The assignments of error raise questions as to the admissibility of certain evidence, the propriety of questions by government counsel and certain of the court's remarks and instructions.

It was stipulated that the materials mentioned were shipped in interstate commerce by the defendant. The government offered in evidence certain books or pamphlets which were also shipped in interstate commerce and generally distributed. These were "Calcium, the Staff of Life", "Alberty's Treatment for Diabetes", and "The Hourglass." The defendant was the author of these works. They dealt with the necessity for and the use of the articles charged to be misbranded, although they were not sent with or attached to the articles.

Appellant asserts error in the admission of this literature by reason of its irrelevancy and prejudicial character. The evidence was not irrelevant. The indictment presented the issue whether the claims on the labels were false and fraudulent. It was properly admissible to show defendant's knowledge as to the truth or falsity of such claims made on the labels of the articles which she is charged to have misbranded. Obviously if false and extravagent claims as to Calcatine, for example, were made in a a pamphlet spread abroad by the defendant, it would be persuasive evidence that similar claims on the brand of the article itself were false and fraudulent. Mitchell v. U. S. (CCA-2), 229 Fed. 361, and cases cited.

Save for excerpts, the court's instructions to the jury are not set out, so we presume that they were correctly instructed as to the evidence offered.

Error is assigned to the following question put to defendant, a witness in her own behalf, by government counsel:

Q. Now, Mrs. Alberty, I will ask you if you don't know it to be a fact, after you came to Los Angeles and the Alberty's Foods [a product not involved in this case] were distributed to infants here, that dozens upon dozens of babies were taken to the then City Health Department right across the street from this building and there had to be treated as a result of taking Alberty's Food?

A. Absolutely no. I never ever heard of it.

Such questions well could be deemed improper. They too frequently occur in the heat of criminal causes. However, here the appellant apparently was satisfied with a negative answer and did nothing. That concluded the matter. Whatever hesitation counsel may have regarding a claim of misconduct of a trial judge, there should be none in claiming it against the prosecutor. It should be made at once. The court should be given the opportunity for instant correction and, if the offense be sufficiently hurtful, declare a mistrial. Counsel cannot occupy the instruments of justice, the court and jury, in an extended trial and, without objection or motion for relief, raise such questions on appeal.

Error is assigned to a portion of the cross-examination of George Hyland, pharmacist, a defense witness. The government was permitted to ask and receive an affirmative answer to the question whether there was not at that time a charge against him of manufacturing and selling some of the same material which the defendant was accused of misbranding. There was no exception to the admission of this testimony, so it would not have to be considered. However, the record shows that the court limited the effect of the evidence to the question of the witness' interest or bias in the case. So limited, it was entirely proper.

The defendant complains of the action of government counsel in repeatedly attempting to bring out facts showing the large profit allegedly made by the defendant in the sale of her articles. The court excluded testimony on this factor and instructed the jury that the element of profit was not an element of the offense, and that they could not consider it other than that it might "furnish a motive for the defendant to do what otherwise she might not have done." The instruction was not excepted to. There is no basis for assuming that the conduct of counsel in asking questions on this aspect of the case was prejudicial, in view of the fact that the testimony was excluded and the matter covered by an instruction of which no complaint was made.

There were other assignments, based on remarks of the court, upon certain items of evidence, and matters contained in the court's instructions. They are relatively minor points and it is not made to appear that there was any prejudice to the appellant in the matters alleged. In any case they were not properly objected or excepted to in the court below.

The court sentenced the defendant to pay a total of $1,000 fine ($100 on each count) and the costs of prosecution, amounting to $1,499.80, making a total judgment of $2,499.80. Error is assigned to this assessment of costs. There is nothing to the assignment. R. S. §974 (28 USCA §822) provides that upon conviction for any offense not capital, the court may award the costs of prosecution against the defendant. Appellant says the award was so excessive as to be a cruel and unusual punishment. There is nothing in the record to bear out that statement.

Affirmed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27377. Misbranding of Experimental OK'd Farm Astringent Tablets. U. S. v. Albert T. Peters and Paul S. Casey (Vitamineral Products Co.). Plea of nolo contendere. Fine, $50 and costs. (F. & D. no. 36084. Sample no. 23038–B.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On February 3, 1936, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Albert T. Peters and Paul S. Casey, copartners, trading as Vitamineral Products Co., Peoria, Ill., charging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about February 21, 1935, from the State of Illinois into the State of Minnesota of a quantity of Experimental Ok'd Farm Astringent Tablets that were misbranded.

Analysis showed that the article contained sodium chloride (approximately 89 percent), boric acid (5.3 percent), and malachite green dye.

The article was alleged to be misbranded in that certain statements regarding its curative and therapeutic effects, appearing on the tube labels, falsely and fraudulently represented that it was effective as an intestinal antiseptic and bacteriostat and as an astringent that arrests discharges; as an intestinal antiseptic destructive to poisonous germs, and as a bacteriostat to stop the growth of bacteria; effective in the drinking water of fowls as an aid in the treatment of coccidiosis, diarrhea, dysentery, fowl typhoid, avian hemorrhagic septicemia (fowl cholera), and other diseased conditions of the intestinal tract in poultry that may be transmitted by contaminated drinking water; and effective as a treatment for sick birds.

On June 10, 1937, a plea of nolo contendere was entered on behalf of the defendants and the court imposed a fine of $50 and costs.

M. L. Wilson, *Acting Secretary of Agriculture.*

27378. Adulteration and misbranding of tincture of nux vomica. U. S. v. Economy Laboratories, Inc. Plea of nolo contendere. Fine, $50 and costs. (F. & D. no. 36976. Sample no. 27443–B.)

This product was sold under a name recognized in the United States Pharmacopoeia but differed from the standard established by that authority since it yielded a smaller amount of the alkaloids of nux vomica than provided therein.

On April 13, 1936, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Economy Laboratories, Inc., Peoria, Ill., charging shipment by said defendant in violation of the Food and Drugs Act on or about March 29, 1935, from the State of Illinois into the State of Kansas of a quantity of tincture of nux vomica that was adulterated and misbranded. The article was labeled in part: "El Tincture Nux Vomica U. S. P. * * * Economy Laboratories, Inc."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down therein since it yielded less than 0.237 gram, that is, not more than 0.174 gram of the alkaloids of nux vomica per 100 cubic centimeters; whereas the pharmacopoeia provided that tincture of nux vomica should yield not less than 0.237 gram of the alkaloids of nux vomica per 100 cubic centimeters; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold.

It was alleged to be misbranded in that the statements, "Tincture Nux Vomica, U. S. P." and "Adjusted by assay to the U. S. P. Standard," borne on the bottle label, were false and misleading since they represented that the article was tincture of nux vomica which conformed to the standard laid down in said United States Pharmacopoeia; whereas it did not conform to said standard.

On June 10, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $50 and costs.

M. L. Wilson, *Acting Secretary of Agriculture.*

27379. Misbranding of rubbing alcohol compound. U. S. v. 17½ Dozen Bottles of Rubbing Alcohol Compound. Default decree of condemnation and destruction. (F. & D. no. 37126. Sample no. 50492–B.)

This product consisted essentially of isopropyl alcohol and water with traces of borax. Its label, however, bore the conspicuous statement "Rubbing Alcohol Compound", a name which conveyed the impression that it was made from ordinary ethyl alcohol, and this impression was not corrected by the relatively inconspicuous statement of the presence of isopropyl alcohol. The percentage of isopropyl alcohol was not declared on the label.

On January 29, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17½ dozen bottles of rubbing alcohol compound at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce by Best Value Sales Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. It was labeled in part: "Rubbing Alcohol Compound * * * Certified Rx Laboratories New York—Chicago."

The article was alleged to be misbranded in that the statement "Rubbing Alcohol Compound", borne on the bottle label, was false and misleading when

applied to an article containing isopropyl alcohol, water, and boric acid, since it created the impression that the article was made from ordinary (ethyl) alcohol and this impression was not corrected by the relatively inconspicuous statement on the label, "The contents herein contained is prepared from Isopropyl Alcohol (CH3CHOHCH3). This preparation does not contain Ethyl Alcohol (C3H5OH). If taken internally will cause violent gastric disturbances." The article was alleged to be misbranded further in that the package failed to bear upon its label a statement of the quantity or proportion of isopropyl alcohol contained therein, since the statement "Isopropyl Alcohol 70 Proof" was meaningless.

On June 24, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27380. Adulteration and misbranding of Vita-Mil. U. S. v. 1,080 Bottles of Vita-Mil. Default decree of condemnation and destruction. (F. & D. no. 37237. Sample no. 48725–B.)

This product was falsely represented to consist of roots, herbs, and barks but in fact contained about 20 percent of Epsom salt, a mineral laxative. Its labeling bore false and fraudulent representations regarding its curative and therapeutic effects.

On February 27, 1936, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,080 bottles of Vita-Mil at Orlando, Fla., alleging that the article had been shipped in interstate commerce on or about December 3, 1935, by William Barth from Cincinnati, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: "Vita-Mil * * * Distributed by the Vita-Mil Company, Charleston, W. Va."

Analysis showed that the article consisted essentially of Epsom salt (approximately 20 percent) and extracts of plant drugs including a laxative drug, small proportions of sodium benzoate, sugars, saccharin, caramel, and flavoring material, and water.

On May 5, 1936, G. B. Potterfield, trading as the Vita-Mil Co., claimant, having admitted the allegations of the original libel, judgment of condemnation was entered with provision for release of the product under bond to be relabeled under the supervision of this Department. On or about June 3, 1936, the claimant petitioned the court to vacate the decree of May 5, 1936, which petition was argued on June 22, 1936, and granted by the court. On March 4, 1937, an amended libel was filed charging interstate shipment and misbranding, as in the original libel, and charging that the article was also adulterated and misbranded further.

The amended libel alleged that an evening newspaper published at Orlando, Fla., on January 30, 1936, carried the statement "All day Friday and Saturday a perfect tidal wave of local folk and people from nearby points swept in and out of the [name of the drug store] at [address] to hail Vita-Mil, the sensational new herbal compound"; that the cartons containing the article had printed thereon the statement "Made from Roots, Herbs and Barks from All Parts of the Earth"; and alleged that the article was adulterated in that its purity fell below the professed standard under which it was sold, namely, in the newspaper advertisement above referred to as an "herbal compound" and on the said cartons, "made from roots, herbs and barks from all parts of the earth", for the reason that it was not an herbal compound and was not made from roots, herbs, and bark, but consisted largely of Epsom salt, a mineral drug.

The article was alleged to be misbranded in that the statement borne on the carton, "A medicine made from roots, herbs and barks from all parts of the earth" was false and misleading; and in that it was an imitation of and offered for sale under the name of another article, an herbal compound made from roots, herbs, and barks, the identity of the article having been falsely declared by means of the advertisement and the statement on the carton quoted above.

It was alleged to be misbranded further in that the letters "Vita-Mil", borne on the bottle label and carton, were a device which meant to purchasers "Health for Millions", the said letters having attained such meaning as a result of the following: (1) That business cards distributed to the public by an agent of the Vita-Mil Co. bore the statement "Health for Millions" just above the letters "Vita-Mil", interpreting the meaning of "Vita-Mil" to be "Health for

Millions"; (2) that stationery used by the Vita-Mil Co. carried the printed heading "Vita-Mil" accompanied by the words "Health for Millions", likewise interpreting the meaning of "Vita-Mil"; (3) that the statement "Vita-Mil * * * a perfected combination beneficial to the control of the stomach and sluggish liver", borne on the cartons containing the bottles, was a statement which meant that the article was a treatment, remedy, and cure for the conditions therein specified; that the device "Vita-Mil" and the statement on the carton, "Vita-Mil * * * A Perfected combination beneficial to the control of the stomach and liver", were a device and a statement, respectively, regarding its curative and therapeutic effects, which were false and fraudulent.

On March 23, 1937, no claim or answer having been filed to the amended libel, judgment was entered condemning the product and ordering that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23781. Adulteration and misbranding of Vita-Mil. U. S. v. 312 and 96 Bottles of Vita-Mil. Default decree of destruction. (F. & D. nos. 38948, 38949. Sample nos. 13674–C, 13675–C.)

This product was represented to be a preparation of herbs but in fact contained a large proportion (approximately 23 percent) of Epsom salt, a mineral drug. The labeling bore false and fraudulent curative and therapeutic claims.

On January 16, 1937, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 408 bottles of Vita-Mil at Meridian, Miss., alleging that the article had been shipped in interstate commerce in part on or about August 13, 1936, by Albright & Wood, from Mobile, Ala., and in part on or about September 19, 1936, by William Barth from Cincinnati, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. It was labeled in part: "Vita-Mil Distributed by the Vita-Mil Company, Charleston, W. Va."

Analysis showed that the article consisted essentially of Epsom salt (approximately 23 percent) and extracts of plant drugs including a laxative drug and small proportions of sodium benzoate, saccharin, sugars, caramel, and flavoring material and water.

The libel alleged that advertisements appearing in a Meridian newspaper contained the following statements regarding the article on the dates specified: (October 2, 1936) "Vita-Mil * * * the scientific herbal remedy"; (October 7, 1936) "Vita-Mil, this famous herbal remedy"; (October 9, 1936) "Vita-Mil, the advanced, scientific herbal remedy"; (October 14, 1936) "This new scientific blend of Extracts from Medicinal Plants called Vita-Mil"; (October 16, 1936) "Vita-Mil, the new scientific mixture of Extracts from Medicine Plants"; (October 21, 1936) "Vita-Mil * * * This Great Herbal Medicine"; (October 23, 1936) "Vita-Mil, a scientific blend of natural roots and herbs"; (October 28, 1936) "Vita-Mil, the scientific herbal medicine"; (October 30, 1936) "Vita-Mil * * * This Great Herbal Remedy"; (November 4, 1936) "Vita-Mil is an advanced scientific herbal remedy"; (November 5, 1936) "Vita-Mil * * * Famous Herbal Compound * * * Vita-Mil is Nature's way—a combination of pure herbs."

The article was alleged to be adulterated in that its purity fell below the professed standard under which it was sold since it was not a preparation of herbs but contained a considerable proportion of Epsom salt, a mineral drug.

The libel further alleged that the letters "Vita-Mil" borne on the bottle labels and on the cartons containing a portion of the bottles were a device regarding its curative and therapeutic effects in that they meant "Health to Millions" and that the article was "Beneficial to the control of the stomach and sluggish liver", the said letters having attained such meaning as the result of the following: (1) Business cards distributed by an agent for the Vita-Mil Co. bore the statement "Health for Millions" just above the letters "Vita-Mil" interpreting the meaning of "Vita-Mil" to be "Health for Millions"; (2) that for some time prior to December 3, 1935, the product "Vita-Mil" bore on the carton in which it was shipped in interstate commerce and distributed to the public the statement: "Vita-Mil * * * Beneficial to the control of the stomach and sluggish liver"; that subsequent to December 3, 1935, the branding was changed so that no explanation of the meaning of the said letters, save the device, "Vita-Mil" itself remained on the labeling so that at the time of shipment the labeling contained no statement in explanation of the meaning of the device "Vita-Mil", save the device itself, which means, as formerly labeled and sold "Health

for Millions" and "Beneficial to the control of the stomach and sluggish liver"; that the device "Vita-Mil" being a device regarding the curative and therapeutic effects of the article was false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed by means of the said device. The libel alleged that a portion of the article was misbranded further in that the statement borne on the carton, "Made from Roots, Herbs and Barks and Other Medicinal Ingredients", was misleading in that it might mean to purchasers that the article was made from plant materials solely; whereas it contained a large proportion of Epsom salt, a mineral drug.

On March 17, 1937, no claimant having appeared, a decree was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27382. Adulteration and misbranding of Vita-Mil. U. S. v. 18 Cases and 6 Cases of Vita-Mil. Default decrees of destruction. (F. & D. nos. 38783, 38784. Sample no. 16342–C.)

This product was represented to consist of roots, herbs, and barks. Examination showed that it contained Epsom salt, a mineral cathartic drug, and that the labeling bore false and fraudulent representations regarding its curative and therapeutic effects.

On or about December 11, 1936, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 24 cases of Vita-Mil at Savannah, Ga., alleging that it had been shipped in interstate commerce in part on or about May 28 and 29, 1936, by Pailey's Pharmacy from Orlando, Fla., and in part on or about June 12, 1936, by the Court Square Drug Co., from Palatka, Fla., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of Epsom salt (approximately 23 percent), and extracts of plant drugs including a laxative drug; small proportions of sodium benzoate, saccharin, sugars, caramel, and flavoring material and water.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard under which it was sold, viz: In an advertisement in a Savannah evening paper of September 3, 1936, which read, "What it is! Vita-Mil is a medical compound of more than 20 of the finest Medicinal Herbs"; and in a statement on the cartons of a portion which read, "Made from Roots Herbs and Barks and Other Medicinal Ingredients"; and in a statement on the cartons of the remainder which read, "A Medicine Made from Roots Herbs and Barks from All Parts of the Earth", since the article consisted largely of Epsom salt, which is not a medicinal herb, root, or bark.

It was alleged to be misbranded in that the following statements were false and misleading when applied to an article consisting largely of Epsom salt, a mineral cathartic drug: (Carton of portion) "A Medicine Made From Roots Herbs and Barks and Other Medicinal Ingredients"; (carton of remainder) "A Medicine Made From Roots Herbs and Barks From all Parts of the Earth Containing No Harmful Drugs." It was alleged to be misbranded further in that the statement, design, and device, "Vita-Mil", and the firm name "The Vita-Mil Company", borne on the cartons and bottles, and the statement, "A Perfected Combination Beneficial to the Control of the Stomach and Sluggish Liver", regarding its curative and therapeutic effects, borne on the cartons of a portion, were false and fraudulent.

On January 12 and 14, 1937, no claimant having appeared, judgments were entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27383. Adulteration and misbranding of Tincture Cinchona Comp. and Powdered Extract Nux Vomica. U. S. v. Burrough Bros. Manufacturing Co. Plea of guilty. Fine, $50 and costs. (F. & D. no. 38045. Sample nos. 70131–B, 70140–B.)

These products were sold under names recognized in the United States Pharmacopoeia and differed from the standard established by that authority.

On April 16, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Burroughs Bros. Manufacturing Co., a corporation at Baltimore, Md., alleging shipment by said company in violation of the Food

and Drugs Act on or about April 30, 1936, from the State of Maryland into the District of Columbia of quantities of Tincture Cinchona Comp. and Powdered Extract Nux Vomica that were adulterated and misbranded. The articles were labeled in part: "Tincture Cinchona Comp. U. S. P. X (Tincture Cinchonae Composita) Standard: Each 100 cc. contains not less than 0.4 Gm. and not more than 0.5 Gm. of Alkaloids"; "Powdered Extract Nux Vomica U. S. P. X Strychnos Nux Vomica Contains 15.2 to 16.8% of Alkaloids * * * Burrough Bros. Mfg. Co. * * * Baltimore, Md."

The articles were alleged to be adulterated in that they were sold under and by names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down therein in the following respects: The Tincture Cinchona Comp. contained in each 100 cubic centimeters less than 0.4 gram of alkaloids of cinchona, whereas the pharmacopoeia provided that tincture of cinchona compound should contain in each 100 cubic centimeters not less than 0.4 gram of the alkaloids of cinchona; and the Powdered Extract Nux Vomica yielded not more than 10.97 percent of the alkaloids of nux vomica, whereas the pharmacopoeia provided that extract of nux vomica should yield not less than 15.2 percent of the alkaloids of nux vomica; and the standard of strength, quality, and purity of the articles was not declared on the containers thereof. The articles were alleged to be adulterated further in that their strength and purity fell below the professed standard and quality under which they were sold in that they were represented to conform to the standards laid down in the United States Pharmacopoeia, tenth revision, whereas they did not conform to the standards laid down in said pharmacopoeia, tenth revision; and the Tincture Cinchona Comp. was represented to contain in each 100 cubic centimeters not less than 0.4 gram of the alkaloids of cinchona, whereas each 100 cubic centimeters of the article contained not more than 0.352 gram of the alkaloids of cinchona; and the Powdered Extract Nux Vomica was represented to contain not less than 15.2 percent of the alkaloids of nux vomica, whereas it contained not more than 10.97 percent of the alkaloids of nux vomica.

The articles were alleged to be misbranded in that the statements, "Tincture Cinchona Comp. U. S. P. X * * * Each 100 cc. contains not less than 0.4 Gm. * * * of Alkaloids", and "Powdered Extract Nux Vomica U. S. P. X * * * Contains 15.2 to 16.8% of alkaloids", borne on the bottle labels, were false and misleading.

On May 20, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

27384. Misbranding of Kroup Monia Cough Syrup. U. S. v. 162 Bottles of Kroup Monia Cough Syrup. Default decree of condemnation and destruction. (F. & D. no. 38534. Sample no. 13603-C.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects. It contained less chloroform than declared on the label.

On or about November 21, 1936, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 162 bottles of Kroup Monia Cough Syrup at Norfield, Miss., alleging that the article had been shipped in interstate commerce on or about September 15, 1936, by W. D. Taylor & Co., from Bessemer, Ala., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of sugar, water, ammonium chloride, glycerin, alcohol, chloroform (1.3 minims per fluid ounce), menthol, and extracts of plant materials including pine.

The article was alleged to be misbranded in that the statements "4 Minims Chloroform To ounce", borne on the carton, and "4 Mins. Chloroform to oz.", borne on the bottle label, were false and misleading when applied to an article containing less than 4 minims of chloroform to an ounce. It was alleged to be misbranded further in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent: (Carton) "Kroup Monia Cough Syrup A safe, * * * and effective treatment for the relief of certain coughs, * * * hoarseness and similar bronchial irritations. * * * for coughs and hoarseness. * * * effective aid in the relief of certain types of Coughs and Hoarseness and Bronchial Irritations";

(bottle label) "Kroup Monia * * * A Safe, * * * efficient treatment for the relief of * * * Coughs, Croup, Whooping Cough, Hoarseness and similar diseases of the Respiratory Organs."

On May 14, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27385. Misbranding of Rx 444 for Males and Rx 333 for Females. U. S. v. 45 Packages of Rx 444 for Males and 45 Packages of Rx 333 for Females. Default decrees of condemnation and destruction. (F. & D. nos. 38759, 38760. Sample nos. 13672–C, 13673–C.)

The labeling of these products bore false and fraudulent representations regarding their curative and therapeutic effects and failed to bear a correct statement of the quantity or proportion of alcohol contained in them.

On December 11, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 45 packages of Rx 444 for Males and 45 packages of Rx 333 for Females at New Orleans, La., alleging that they had been shipped in interstate commerce on or about October 24, 1936, by Foundation Laboratories, Inc., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (Rx 444, box) "For Males"; (Rx 333, box) "For Females"; (circular entitled "Foundation Laboratories, Inc.") "Rx 333 and Rx 444 are carefully, physiologically standardized solutions of hormones especially processed by pharmaceutical chemists for use as a general glandular tonic * * * Rx 333 and Rx 444 are applied in the same manner. Clean the pores of the skin on the underside of the forearm so the solution will be more readily absorbed. Apply the contents of one of the vials on the underside of the forearm and rub gently into the skin until the solution has vanished. Make two applications the first day and follow with one a day for one week. After results are obtained, use one or more vials a week as the physical condition may require * * *."

Samples taken from both products were found to consist essentially of water, alcohol (40 percent in the Rx 444 and 34 percent in the Rx 333), small amounts of phosphates, magnesium compounds, protein, and perfume.

The articles were alleged to be misbranded in that the packages failed to bear on their labels a statement of the quantity or proportion of alcohol contained in the articles since the statement made was incorrect. They were alleged to be misbranded further in that the box labels and accompanying circulars bore false and fraudulent representations regarding the effectiveness of the Rx 444 in the treatment of inflamed, enlarged, swollen, and diseased prostate, frequent desire to urinate, backache, pains in the limbs, irritation of the bladder, nervous restlessness, pains in the pelvic region, prostatitis, nervous disturbance, feeling of depression, worry, neurasthenia, melancholia, reflex pains and disturbances, pains resembling sciatica, backache, rheumatism, disturbed digestion, diseased prostate, abnormalities resulting from diseased prostate, loss of weight, grouchiness, glandular unbalance, rheumatism, neuritis, arthritis, swollen legs, impotence, or any disorder arising from the improper functioning of the prostate and its effectiveness to restore the vigor of youth and normal every day health; and the effectiveness of the Rx 333 in the treatment of aches, nervousness, and worry accompanying menapause, ovarian disorders and diseases, ovarian gland distress, nerves, ovarian congestion, inflammation and enlargement, frequent desire to urinate at night, backache, blues, amenorrhea, dysmenorrhea, certain types of sterility, sexual apathy, neuroses and psychoses connected with irregular menstruation, circulatory unbalance, climacteric disorders, vomiting of pregnancy, obesity, pains and aches, ovarian abnormalities, serious conditions of a diseased or semidiseased condition of the ovarian gland, run-down condition, glandular unbalance, rheumatism, arthritis, neuritis, and that it was a glandular tonic and treatment and health help; that it was effective to preserve health, to restore the vigor of youth, the buoyancy of yesteryear and bring about normal every-day health; and effective to activate the ovarian glands and to restore the diseased organ to proper functioning.

On January 6, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27386. Misbranding of Old Trusty Tonic, Old Trusty Vermifuge Jr., Old Trusty Cough Mixture, Old Trusty Ear Canker Drops, and Old Trusty Vi-Ti. U. S. v. 33 Bottles of Old Trusty Tonic, et al. Default decree of condemnation and destruction. (F. & D. nos. 38914 to 38918, incl. Sample nos. 24952–C, 24953–C, 24955–C, 24956–C, 24957–C.)

The labeling of these products bore false and fraudulent representations regarding their curative or therapeutic effects.

On January 12, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 bottles of Old Trusty Tonic, 21 bottles of Old Trusty Vermifuge Jr., 21 bottles of Old Trusty Cough Mixture, 19 bottles of Old Trusty Ear Canker Drops, and 57 bottles of Old Trusty Vi-Ti at Emeryville, Calif., alleging that the articles had been shipped in interstate commerce in part on or about July 17, 1936, and in part on or about August 18, 1936, by the Old Trusty Dog Food Co., from Needham Heights, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the tonic consisted essentially of iron compounds, strychnine, creosote, oil of anise, glycerin, and water; that the vermifuge consisted essentially of castor oil with small quantities of tetrachlorethylene and oil of anise; that the cough mixture consisted essentially of water, sugar, creosote, extracts of plant materials including wild cherry, and aromatic substances including menthol; that the ear canker drops consisted essentially of a rancid fatty oil, an emulsifying agent, and a few crystals of calcium sulphate, and that the Vi-Ti consisted esesntially of yeast and salt.

The articles were alleged to be misbranded in that the following statements appearing in the labeling, regarding their curative or therapeutic effects, were false and fraudulent: (Tonic, bottle) "A conditioner for dogs of all breeds formerly 'Disto-Tonic'"; (Vermifuge Jr., bottle) "Vermifuge Jr. A worm expeller for young dogs formerly 'Wormal Junior'"; (cough mixture, bottle) "For bronchial and pulmonary troubles"; (ear canker drops, bottle) "Ear Canker Drops * * * a lotion for cankers, abscesses, and other ear sores"; (Vi-Ti, bottle) "Vi-Ti Vi-Ti is a scientifically prepared product for dogs, containing all elements necessary to the proper assimilation of food. It contains in proper proportion all the essential life giving Vitamins. Fed with the other 'Old Trusty' products it builds healthy bone and sinew, thus warding off in a large measure the dreaded distemper and other ailments, such as harsh coat, scurvy. It is especially beneficial to females in pregnancy and lactation and their young"; (Vi-Ti, circular) "Vi-Ti A Vitalizer for dogs * * * We do not claim Vi-Ti to be a cure-all. We do know, however, from actual experience that a vitalized system wards off disease, and in the case of distemper, that most dreaded disease, the animal is only lightly affected. We do not know of a case where the dreaded after effects, such as Chorea, have occurred where Vi-Ti has been fed. Remember you must build a strong healthy frame for your growing puppy. Vi-Ti, fed to the mother before the puppies are born, has a marked effect not only on the health of the mother, but the puppies as well. Vi-Ti, fed to the mother, while nursing her puppies, enriches the milk. Vi-Ti, fed to the growing puppies, builds a strong health frame. Long Experience in handling dogs has demonstrated beyond doubt that a single Vi-Ti tablet daily will improve the general health of the average dog, give tone to the system, sparkle to the eye, and gloss to the coat. The show or breeding dog receives pronounced benefits."

On April 1, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27387. Misbranding of Chambers' Pills and Help Nature Tablets. U. S. v. 42 Boxes of Chambers' Pills and 36 Boxes of Help Nature Tablets. Default decrees of condemnation and destruction. (F. & D. nos. 39150, 39151. Sample nos. 32658–C, 32659–C.)

The labeling of these products bore false and fraudulent curative and therapeutic claims.

On March 5, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 42 boxes of Chambers' Pills and 36 boxes of Help Nature Tablets at Hammett, Idaho, alleging that they had been shipped in interstate commerce on or about July 27, 1936, by the Chambers Medicine Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples showed that the Chambers' Pills consisted essentially of potassium nitrate, potassium bicarbonate, oil of cubeb, and plant drugs coated with calcium carbonate and green-colored sugar; and that the Help Nature Tablets consisted essentially of phenolphthalein and plant drugs, including strychnine, and a laxative plant drug coated with calcium carbonate and pink-colored sugar.

The articles were alleged to be misbranded in that the following statements borne on the box labels, regarding their curative or therapeutic effects, were false and fraudulent: (Chambers' Pills, carton) "A Remedy Especially for Kidney Complaints and diseases arising from disorders of the Kidneys and Bladder, such as Backache, Weak Back, Rheumatism, Dropsy, Congestion of the Kidneys, Inflammation of the Bladder, Scalding Urine and Urinary trouble. * * * Clean The System Purify The Blood"; (Help Nature Tablets, box) "Help Nature * * * For * * * Dyspepsia * * * Better Than Pills For Liver Trouble * * * Help Nature * * * For The Stomach, Kidneys, Liver and Blood." The Chambers' Pills were alleged to be misbranded further in that certain statements in a circular contained in the cartons falsely and fraudulently represented that they were effective in the treatment of pains in the back, scanty urine, too frequent desire to urinate, depressed and tired feeling, aching limbs, restlessness at night, irritability, continuous thirst, pains in the groin, brick dust or sediment in the urine, burning sensation, backache, irritation of the bladder, and any symptoms of kidney trouble; effective in the treatment of continuous discharges, leucorrhea, or whites; effective in the treatment of dragging pains, aching joints, and in soothing the irritated and inflamed parts of the organs; effective as an antiseptic; and effective to assist the kidneys in passsing off uric acid poison from the system.

On April 7, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27388. Adulteration and misbranding of Hygem. U. S. v. 10 Bottles of Hygem. Default decree of condemnation and destruction. (F. & D. no. 39159. Sample no. 20404–C.)

This product fell below the professed standard under which it was sold, and its labeling bore false and misleading representations regarding its composition and false and fraudulent representations regarding its curative and therapeutic effects.

On or about March 2, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bottles of Hygem at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about February 9, 1937, by the Bloomfield Laboratories from Bloomfield, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Hygem * * * The Mineral Oil Emulsion With Acidophilus."

Upon examination of a sample of the product, no acidophilus bacilli were found, but viable micro-organisms other than acidophilus bacilli (spore-bearing peptonizing organisms) were present to the extent of not less than 7 million per tablespoonful.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (carton) "The Mineral Oil Emulsion With Acidophilus * * * Dosage Adults: One to two tablespoonfuls twice a day. Children: One teaspoonful twice a day"; (circular) "Hygem is sterilized under pressure for twenty minutes and each bottle is individually inoculated with Aciduric Bacilli", since it contained in the recommended dose but a negligible number, if any, of acidophilus bacilli and was contaminated with a large proportion of viable micro-organisms other than *Bacillus acidophilus.*

The article was alleged to be misbranded in that the statements (carton) "The Mineral Oil Emulsion with Acidophilus", (circular) "Hygem is sterilized under pressure for twenty minutes and each bottle is individually inoculated with Aciduric Bacilli" were false and misleading since they created the impression that the article consisted of a culture of acidophilus bacillus, when as a matter of fact it contained few, if any, acidophilus bacilli and a relatively large number of viable micro-organisms other than acidophilus bacillus. Misbranding was alleged for the further reason that the statement on the label, "Contains no Drugs nor Cathartics", was false and misleading since the article contained mineral oil, a substance having laxative properties.

It was alleged to be misbranded further in that the statements, (carton) "The Mineral Oil Emulsion With Acidophilus * * * Dosage Adults: One to two tablespoonfuls twice a day. Children: One teaspoonful twice a day", were false and fraudulent since they created the impression that it was a therapeutically useful culture of acidophilus bacillus, whereas it was worthless as a culture of *Bacillus acidophilus* for therapeutic use. The article was alleged to be misbranded further in that the following statements on the carton, bottle label, and in an accompanying circular, regarding its curative or therapeutic effects, were false and fraudulent: (Carton) "For intestinal hygiene and any stomach or digestive disorder, such as constipation, auto-intoxication, indigestion and the like"; (bottle) "For Health make it a habit to evacuate the bowels at least twice every day"; (circular) "Hygem is an aid in promoting the practice of Intestinal Hygiene. Keeping the intestines free of accumulated waste food matter is of the utmost importance to the maintenance of health. If waste matter is allowed to stay in the bowels it becomes the breeding ground of bacteria which produce toxins (poisons) that are very destructive to body tissue, and which upset the normal functions of various organs in the body. * * * Hygem causes a normal bowel movement * * * the aciduric bacilli inhibits the growth of putrefactive bacteria and establishes a hygienic condition in the intestinal tract. * * * Hygem will assist you in establishing and maintaining this condition. Begin by taking one or two tablespoonfuls before retiring at night—regulate the amount so as to have two fully formed bowel movements every day. As the habit is established, gradually reduce the amount to a tablespoonful once or twice a week."

On April 12, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27389. Misbranding of Allimin. U. S. v. 8 Small Packages and 11 Large Packages of Allimin. Default decree of condemnation and destruction. (F. & D. no. 39206. Sample no. 19447–C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On March 13, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 small packages and 11 large packages of Allimin at Sterling, Colo., consigned by the Van Patten Pharmaceutical Co., Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 15, 1937, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of plant material including garlic.

The article was alleged to be misbranded in that the envelope containing the article and the accompanying leaflets, display material, and circulars bore false and fraudulent representations regarding its effectiveness in the treatment of high blood pressure and related conditions, auto-intoxication or self-poisoning, sick headaches, dizzy spells, shortness of breath, nervousness, dyspepsia, thoracic oppression, intestinal flatulence, and its effectiveness as an antiseptic, as a relief for coughs, and as an aid in the digestion and absorption of food.

On May 15, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27390. Adulteration and misbranding of Estrone. U. S. v. 1 Package of Estrone. Default decree of condemnation and destruction. (F. & D. no. 39222. Sample no. 34997–C.)

This product had a potency of about 19 percent of that claimed on the label.

On March 15, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one package of Estrone at Reading, Pa., alleging that it had been shipped in interstate commerce on or about November 10, 1936, by Endo Products, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (carton and

vial) "25 cc. size * * * Estrone The contents represent approximately 6250 International Units of Ovarian Follicular, or Estrogenic Hormone", (circular) "Aqueous Solution—25 cc. Vial representing 6250 International Units", since the contents of the package did not represent approximately 6,250 international units of ovarian follicular or estrogenic hormone, but the article had a potency of 19 percent (1,188 international units) of that claimed on the label.

The article was alleged to be misbranded in that the above-quoted statements in the labeling were false and misleading when applied to an article that had a potency of 19 percent (1,188 international units) of that claimed on the label.

On April 19, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27391. Misbranding of Simmons' Cough Syrup. U. S. v. 85 Bottles of Simmons' Cough Syrup. Default decree of condemnation and destruction. (F. & D. no. 39223. Sample no. 30756–C.)

This product was represented to contain chloroform, but in fact it contained only a trace of, if any, chloroform. Its labeling bore false and fraudulent curative and therapeutic claims.

On March 25, 1937, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 85 bottles of Simmons' Cough Syrup at El Paso, Tex., alleging that the article had been shipped in interstate commerce on July 26, 1929, by the Allied Products Co., from Chattanooga, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of ammonium chloride, sugar, vegetable extractives, and water. It contained but a trace of, if any, chloroform.

The article was alleged to be misbranded in that the statement on the carton and bottle, "3½ minims Chloroform to each ounce", was false and misleading when applied to an article that contained but a trace of, if any, chloroform. It was alleged to be misbranded further in that the following statements on the carton and bottle, regarding its curative and therapeutic effects, were false and fraudulent: (Bottle) "Antispasmodic * * * For the cough of catarrhal origin"; (carton) "Especially Prepared For The Relief of Coughs Whooping Cough Influenza Hoarseness And Sore Throat Asthma Bronchitis and Bronchial Affections."

On May 6, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27392. Adulteration and misbranding of gauze bandage. U. S. v. 285 Packages of Gauze Bandage. Default decree of condemnation and destruction. (F. & D. no. 39245. Sample no. 32055–C.)

This product was represented to be sterile but in fact was contaminated with viable micro-organisms.

On March 22, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 285 packages of gauze bandage at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about October 12 and 26, December 10 and 18, 1936, and January 4, 1937, by Approved Distributors, Inc., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, (carton) "Gauze Bandage Sterilized", since it was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statement on the label, "Approved Products * * * Gauze Bandage Sterilized", was false and misleading when applied to an article that was not sterile but was contaminated with viable micro-organisms.

On May 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27393. **Adulteration and misbranding of ether. U. S. v. 15 Cans of Ether (and two other seizure actions). Consent decrees of condemnation and destruction.** (F. & D. nos. 39271, 39272, 39273. Sample nos. 21649–C, 21650–C, 21654–C.)

This ether differed from the standard prescribed by the United States Pharmacopoeia, samples having been found to contain aldehyde or peroxide, or both.

On March 29, 1937, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 44 cans of ether at New Orleans, La., alleging that the article had been shipped in interstate commerce by Merck & Co., Inc., from St. Louis, Mo., in various shipments on or about September 29, December 29, 1936, and February 2, 1937, and charging that it was adulterated and misbranded and that it was "at the time of shipment, and still is, subject to seizure, condemnation, and confiscation under Section 10 of the Food and Drugs Act." On May 5, 1937, the allegation in each of the original libels, in the words above quoted, was amended to read that the article "is subject to seizure, condemnation, and confiscation under Section 10 of the Food and Drugs Act." The article was labeled in part: "Ether for Anesthesia * * * U. S. P."

It was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity for ether as determined by the tests laid down in the pharmacopoeia and its own standard of strength, quality, and purity was not stated on the container.

The article was alleged to be misbranded in that the statement "Ether * * * U. S. P." was false and misleading when applied to an article containing aldehyde or peroxide, or both.

On May 25, 1937, no claim having been entered for the product and Merck & Co., Inc., having consented to its destruction, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27394. **Adulteration and misbranding of ether. U. S. v. 14 Cans of Ether (and 5 other seizure actions). Default decrees of condemnation and destruction.** (F. & D. nos. 39268, 39294, 39304, 39399, 39407, 39619. Sample nos. 30755–C, 34627–C, 34629–C, 34711–C, 34723–C, 34782–C, 34794–C.)

This product differed from the standard established by the United States Pharmacopoeia, samples having been found to contain aldehyde or peroxide, or both aldehyde and peroxide.

On March 25 and March 29, 1937, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 34 cans of ether at New Orleans, La. On April 2, 20, and 21 and May 17, 1937, libels were filed against 160 cans of ether at El Paso, Tex., 104 cans of ether at Birmingham, Ala., and 105 cans of ether at Houston, Tex. The libels alleged that the article had been shipped in interstate commerce by the Mallinckrodt Chemical Works from St. Louis, Mo., that the product seized at New Orleans, La., had been shipped on or about October 8 and October 10, 1934; that the product seized at Birmingham, Ala., had been shipped on or about July 24 and August 17, 1935; that the product seized at El Paso, Tex., had been shipped on or about March 15, 1936, and that the product seized at Houston, Tex., had been shipped on or about March 26, 1937. The libels alleged further that the article was adulterated and that portions thereof were misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Ether for Anesthesia"; one shipment was labeled further: "Fully conforms to all requirements of the U. S. P. XI."

The article in all shipments was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the pharmacopoeia and its own standard of strength was not stated on the container.

The product seized at Birmingham, Ala., was alleged to be misbranded in that the statement on the label "Ether for Anesthesia", was false and misleading: that seized at Houston, Tex., was alleged to be misbranded in that the statement on the label, "Ether * * * Fully conforms to all requirements of the U. S. P. XI," was false and misleading when applied to an article in which peroxide was present.

On May 5, May 27, June 3, and July 12, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27395. Adulteration and misbranding of Snipes' Japicura Skin Remedy. U. S. v. 63 Bottles of Snipes' Japicura Skin Remedy. Judgment of condemnation and destruction. (F. & D. no. 39311. Sample no. 21779–C.)

The labeling of this product contained false and fraudulent curative and therapeutic claims. It also bore false and misleading representations regarding its germicidal properties, its alleged harmlessness, and the amount of phenol present in the article.

On April 3, 1937, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 bottles of Snipes' Japicura Skin Remedy at Shreveport, La., alleging that the article had been shipped in interstate commerce on or about January 6, 1937, by the Snipes Medicine Co., from Little Rock, Ark., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of phenol (17 percent by weight), glycerin, sassafras oil, menthol, and salicylic acid.

It was alleged to be adulterated in that its strength fell below the professed standard of quality under which it was sold, namely, "Phenol 25 per cent", since it contained less phenol than declared.

The article was alleged to be misbranded in that the statements (carton) "It Destroys the Germs" and (carton and circular) "Kills the Germs", were false and misleading since they represented that it would destroy and kill germs, whereas it would not destroy or kill all germs. The article was alleged to be misbranded further in that the statements, (carton) "A safe and successful treatment of a noted physician for all skin diseases, such as Eczema, Tetter, Ringworm, Rose Patch, Shingles, Poison Oak, Insect Bites and all forms of Itch", (circular) "This remedy may redden the skin or sting somewhat when applied, but do not be alarmed. It is merely doing its work * * * Apply Japicura to parts affected morning and night, or oftener, * * * Apply 2 or 3 times daily * * * repeat several times 15 or 20 minutes apart. * * * Rub * * * 2 or 3 times a day", were false and misleading since they would mislead the purchaser to believe that the article was a safe and appropriate remedy for the various disorders claimed on the label; whereas it was not a safe and appropriate remedy for such disorders, but was a dangerous drug when used as directed. And the article was alleged to be misbranded for the further reason that the statements above quoted were statements regarding its curative and therapeutic effects and were false and fraudulent. It was alleged to be misbranded further in that certain statements on the bottle label and additional statements on the carton and in the circular contained in the carton, regarding its therapeutic and curative effects, falsely and fraudulently represented that it was effective as a valuable remedy for all itching skin, eruptions, such as itch, ringworm, poison oak, eczema; effective to relieve a violent case of itch; effective as a skin remedy; effective to kill the parasites or germs that are imbedded in the skin, to give permanent relief and to control itching; effective to relieve itching or burning; effective as a treatment for cuts, burns, swelling, to counteract the poison from and to prevent sores from mosquitoes, chiggers, or other insects, and as a treatment for old itching sores; effective to relieve congestion and stop the pain of rheumatism; and effective as a treatment for itching piles, barber's itch, and other itching eruptions.

The libel further charged that the article was misbranded in violation of the Federal Caustic Poison Act reported in Notice of Judgment No. 60 published under that act.

On June 21, 1937, the court having found the allegations of the libel to be true, and in accordance with the verdict of a jury, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27396. Misbranding of Lions Stock Remedy. U. S. v. 6 Cans of Lions Stock Remedy. Default decree of condemnation and destruction. (F. & D. no. 39313. Sample no. 33655–C.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On April 5, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cans of Lions Stock Remedy at Goshen, Ind., alleging that the article had been shipped in interstate commerce on or about November 13, 1936, by the Live Stock Remedy Co. from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of powdered plant materials, including wormseed, together with sodium, iron, and magnesium sulphates and bicarbonates.

It was alleged to be misbranded in that the following statements appearing on the metal container, regarding its curative and therapeutic effects, were false and fraudulent: (Metal container) "An Ounce Of Prevention Is Better Than A Pound Of Cure * * * A Genuine Worm Destroyer And Conditioner For Horses, Cattle, Sheep, Hogs, And Poultry This Is a Worm Destroyer, Bowel Regulator And Conditioner And Should Be Used As A Preventive Remember A sick animal is hard to doctor unless you understand it. Begin in time to use Dr. Lions Stock Remedy as a preventive and save time and trouble. * * * Do this and you solve the disease problem. * * * Hogs In Apparently Good Condition Feed three tablespoonfuls of the remedy to every five hogs three times a week, or mix pint of remedy in gallon of salt, let them have access to it. Hogs Out Of Condition. * * * Worms. * * * Thumps. * * * Sheep. For worms * * * As a general conditioner * * * Horses. To destroy worms, distemper in first stage, or for horses out of condition, feed one to two tablespoonfuls twice a day, owing to the severity of the case. As a general conditioner feed tablespoonful three times a week. Cattle. As a general conditioner * * * Poultry. Feed two tablespoonfuls to each dozen fowls twice a week as a preventive. For Roup, Gapes or Cholera, feed more liberally. The remedy can be fed to poultry with good results by tying a half dozen spoonfuls in a cloth and lay in watering vessel, adding a fresh supply every ten days. * * * We believe In A Preventive And Worm Destroyer * * * Worms And Lice Are Admitted As The Stockmans Greatest Enemies Lions Remedy is manufactured for the purpose of destroying any and all kinds of Worms, and as a general condition. We have never heard of a single case of contagious disease where Lions Remedy, Dip and Dipping Tanks were used, and not only this, but enough extra gain will be produced to several times more than pay for cost. For Example—Divide a bunch of hogs in two lots, feed one pen Lions Remedy * * * At the end of thirty days turn the two bunches together and the improvement will be so noticeable that it will be no trouble to pick out every hog that received the treatment. We have thousands of customers who will attest to these facts. Doesn't it appeal to you as a business proposition to use our * * * Remedy?"

On June 10, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27397. Adulteration and misbranding of gauze bandage. U. S. v. 141 Packages of Dr. Scholl's Gauze Bandage. Default decree of forfeiture. Product delivered to a public institution. (F. & D. no. 39333. Sample no. 14631–C.)

This product was represented to be sterilized but in fact was contaminated with viable micro-organisms.

On April 5, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 packages of Dr. Scholl's Gauze Bandage at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about August 19, 1936, by Scholl Manufacturing Co., Inc., Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: "Dr. Scholl's Gauze Bandage * * * Sterilized after Packaging."

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "sterilized", since it was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statement "Sterilized after Packaging" was false and misleading when applied to an article that was not sterile.

On May 5, 1937, no claimant having appeared, judgment of forfeiture was entered and the product was ordered delivered to the United States Detention Farm at Milan, Mich., after it had been ascertained that the bandages would be properly sterilized before being used and that the prison hospital was equipped to sterilize them.

M. L. Wilson, *Acting Secretary of Agriculture.*

27398. Misbranding of Wil-Du Rheumatism and Gout Medicine. U. S. v. 25 Bottles of Wil-Du Rheumatism and Gout Medicine. Default decree of condemnation and destruction. (F. & D. no. 39341. Sample no. 34973–C.)

This product contained alcohol in excess of the amount declared and its label bore false and fraudulent representations regarding its curative or therapeutic effects.

On April 6, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 bottles of Wil-Du Rheumatism and Gout Medicine at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 1 and December 30, 1936, by the Wil-Du Medicine Co., from Woodbury, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample showed that the article consisted essentially of alcohol (67 percent by volume), water, and extracts of plant drugs including senna.

It was alleged to be misbranded in that the statements "Rheumatism and Gout Medicine A Positive Relief for Chronic and Acute Rheumatism and Gout Will relieve * * * if directions are followed. [design of invalid] * * * This preparation acts on all organs of the human body and assists nature in throwing off morbid substances that cause Acute and Chronic Rheumatism and Gout", regarding its curative and therapeutic effects, appearing on the bottle label, were false and fraudulent. It was alleged to be misbranded further in that the statement on the label, "Alcohol 50 pct", was false and misleading since it did not contain 50 percent of alcohol but did contain a greater amount.

On May 4, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27399. Misbranding of Vi-Go-Ra Olive Oil Hair Tonic. U. S. v. 21 Units of Vi-Go-Ra Olive Oil Hair Tonic (and 1 other seizure action against the same product). Default decrees of condemnation and destruction. (F. & D. nos. 39342, 39628. Sample nos. 20550–C, 20845–C.)

The label of this product bore false and fraudulent representations regarding its curative or therapeutic effects. It also conveyed the impression that the article contained an appreciable amount of olive oil; whereas it contained not more than a trace of, if any, olive oil. The product contained undeclared alcohol.

On April 6 and May 20, 1937, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 21 units, each containing one 8-ounce and two 16-ounce bottles of Vi-Go-Ra Olive Oil Hair Tonic, at Boston, Mass., and 19 units and 6 separate 16-ounce bottles of the same product, at New Bedford, Mass., alleging that the article had been shipped in interstate commerce from Providence, R. I., in part on or about August 7, 1936, by the Vi-Go-Ra Co., and in part on or about April 10, 1937, by the Rhode Island Barber Supply Co., Inc., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "The Vi-Go-Ra Co., Providence, R. I."

Analyses showed that the article consisted essentially of alcohol (approximately 77 percent by volume), castor oil, a sulphonated oil, water, and a coloring material. It contained not more than a trace of, if any, olive oil.

It was alleged to be misbranded in that the statement "Olive Oil" on the label was false and misleading when applied to an article that contained not more than a trace of, if any, olive oil: in that the label failed to bear a statement of the quantity or proportion of alcohol contained in the article; and in that the

statements "Vi-Go-Ra * * * Hair Tonic A highly efficient and reliable hair tonic for the elimination of dandruff. Stops itching scalp instantly * * * checks falling hair and is very effective for the relief of eczema", borne on the label, regarding the curative or therapeutic effects of the article were false and fraudulent.

On May 10 and June 29, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27400. Misbranding of Ourine Nasal Balm and Ourine Application for the Ears. U. S. v. 32 Packages of Ourine Nasal Balm and 47 Packages of Ourine Application for the Ears. Default decrees of condemnation and destruction. (F. & D. nos. 39349, 39350. Sample nos. 2202–C, 2203–C.)

The labeling of these products bore false and fraudulent curative and therapeutic claims.

On April 12, 1937, the United States attorney for the Western District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 32 packages of Ourine Nasal Balm and 47 packages of Ourine Application for the Ears, each package of which contained a sample of Ourine Nasal Balm, at San Antonio, Tex., alleging that the articles had been shipped in interstate commerce on or about January 11, 1937, by the Aurine Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Nasal Balm consisted essentially of mineral oil with small amounts of menthol, methyl salicylate, and a green-coloring material; and that the Ourine Application for the Ears consisted essentially of glycerin, boric acid, extracts of plant drugs, and volatile oils including oil of lavender.

The articles were alleged to be misbranded in that the following statements on the cartons containing and in circulars accompanying the Ourine Nasal Balm, and similar statements in the circulars accompanying the Ourine Application for the Ears, regarding the curative and therapeutic effects of the articles, were false and fraudulent: (Carton) "Keep The Nasal Passages Germ Free"; (circular) "For Nasal Catarrh * * * We are confident that when used in conjunction with the Ourine Ear Application, Ourine Nasal Balm should help greatly to expedite the greatest possible relief. It has been estimated that 75% of ear ailments, such as head noises, partial deafness, running ear, buzzing and ringing of ears, have started with a catarrhal condition of the nose. The nasal passages are connected with the Eustachian Tubes. When the germs infect the nasal passage, the infection often spreads to the Eustachian Tubes, and thence into the middle ear. Sometimes when the sufferer, afflicted with cold or catarrh, blows his nose, mucus lodges in the Eustachian Tube, blocking and inflaming it, and causing partial deafness. If your ear ailment can be traced to a nasal catarrhal infection—if you nose feels stuffed—you should find that Ourine Nasal Balm is of great value when used with Ourine Ear Application. As one medical authority states: 'Interference with freedom of breathing through the nose unfavorably affects the ears . . . much of the treatment of ear diseases must be directed through the nose and throat in the effort to restore free ventilation and repair the injury due to lack of it.' * * * Ourine Nasal Balm should be used in conjunction with the Ourine Ear Application. * * * Remember—if Your ear ailment is accompanied by nasal catarrh, it is Vitally Important to use Ourine Nasal Balm in addition to Ourine Ear Application. No matter what relief you get from the Ear Application alone, as long as the nasal passages are affected, this condition is a constant threat to a healthy ear, and must be cleaned up. * * * While we intend Ourine Nasal Balm primarily for the users of Ourine Ear Application, it can be of great benefit to other members of your family who are affected by * * * catarrh. People today use mouth washes and gargles to keep the mouth and throat free from germs. But it is just as important to keep the nasal passages in healthy condition. Ourine Nasal Balm can be safely used by Children or Adults to cleanse the nose and check colds and catarrhal conditions. (Incidentally, Ourine Ear Application can and should be used by everyone to keep the ears free from dirt and germs * * *."

On May 19, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 27351–27400

[1] Contains an opinion of the court.

[2] Seizure contested.

U. S. GOVERNMENT PRINTING OFFICE: 1937

N. J., F. D. 27401–27525 Issued January 1938

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

27401–27525

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 3, 1937]

27401. Adulteration of raisins. U. S. v. 76 Cases of Raisins (and 15 other seizure actions). Default decrees of condemnation and destruction. (F. & D. nos. 39351, 39353, 39354, 39355, 39360, 39397, 39400, 39401, 39417, 39420, 39428, 39435, 39436, 39514, 39518, 39534, 39535, 39541, 39554. Sample nos. 2074–C, 2177–C, 17886–C, 17889–C, 17890–C, 21821–C, 21824–C, 26735–C, 27354–C, 27366–C, 27369–C, 27371–C, 27373–C, 27376–C 27535–C, 27537–C, 34688–C, 34690–C, 42476–C, 42478–C.)

This product contained hydrocyanic acid in amounts which might have rendered it injurious to health.

Between the dates of April 8 and April 29, 1937, the United States attorney for the Northern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 515 cases of raisins in various lots at Schenectady, Troy, Albany, Syracuse, and Binghamton, N. Y., respectively. During the same period libels were filed against 91 cases of raisins at Tyler, Tex., 314 cases at Houston, Tex., 51 cases at Seguin, Tex., 8½ cases at Rockdale, Tex., and 89 cases at Galveston, Tex. The libels alleged that the article had been shipped in interstate commerce, certain shipments on or about October 24 and 28, 1936, and the remaining shipments in February 1937, by the Sunland Sales Cooperative Association, in part from Stockton, Calif., and in part from Fresno, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part variously: "Sun Maid Raisins Seedless Nectars" [or "Puffed Seeded Muscats", "Midget Thompson Seedless", or "Feature Raisin Bread Special"] * * * Sun-Maid Raisin Growers of California Fresno California"; "Blue Ribbon Brand Seedless Raisins * * * Distributed by Sunland Sales Cooperative Association"; "Amber Beauty Sultana Raisins."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, hydrocyanic acid, which might have rendered it injurious to health.

On June 5, 10, 14, 15, 18, 23, 24, 28, 29, 30, and July 8, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27402. Adulteration of tomato paste. U. S. v. 1,000 Cartons and 130 Cases of Tomato Paste. Consent decrees of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. nos. 36284, 36436. Samples nos. 16059–B, 16069–B.)

U. S. v. 800 Cases of Tomato Paste. Decree of condemnation and destruction. (F. & D. no. 36287. Sample no. 15557–B.)

Samples of this product were found to contain filth resulting from worm infestation.

On September 8, 9, and 28, 1935, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,000 cartons and 130 cases of tomato paste at New York, N. Y., and 800 cases of tomato paste

at Mount Vernon, N. Y., alleging that the article had been shipped in interstate commerce in various shipments on or about July 20, 23, and 26, 1935, by the Anaheim Canning Co. (or Anaheim Canning Corporation) from Anaheim, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously: "Re·Umberto Tomatine Concentrated Tomato Paste * * * United Pure Food Co., N. Y. Distributors * * *"; "Eagle Brand Tomato Paste * * * Packed by A. Glorioso New Orleans, La."; "Garibaldi Brand Tomato Paste * * * Distributors Garibaldi Sales Co., New York."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On March 25, 1937, Angelo Glorioso, claimant for the lot seized at Mount Vernon, N. Y., having, with leave of court, withdrawn his answer, judgment of condemnation was entered and it was ordered that the lot be destroyed and that costs be taxed against the claimant. On April 5, 1937, the Anaheim Canning Co., Inc., claimant for the remaining lots, having withdrawn its answer but not its claim, and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and it was ordered that said lots be released under bond, conditioned that the portions which were unfit for human consumption be segregated and destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27403. Adulteration of tomato paste. U. S. v. 994 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 36615. Sample no. 26760–B.)

This product contained filth resulting from worm and insect infestation.

On November 19, 1937, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned tomato paste at Albany, N. Y. On November 27, 1935, the libel was amended in order to cover additional lots of the product, which made a total of 994 cases. The amended libel alleged that the article had been shipped in interstate commerce on or about September 25, 1935, by the Calliguria Food Products Corporation from Los Angeles, Calif., and that it was adulterated in violation of the Food and Drugs Act. It was labeled in part: "Vulcania Brand California Concentrated Tomato Paste * * * Guaranteed and Distributed by Calliguria Food Products Corp. Los Angeles, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On May 21, 1937, no claimant appearing, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27404. Adulteration of Limburger process cheese. U. S. v. Kraft-Phenix Cheese Corporation. Plea of nolo contendere. Fine, $100 and costs. (F. & D. no. 36955. Sample nos. 4583–B, 4795–B.)

Samples of this product were found to contain fragments of flies and pupae, human and animal hairs, and miscellaneous filth.

On February 6, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kraft-Phenix Cheese Corporation, trading at Freeport, Ill., alleging shipment by said company in violation of the Food and Drugs Act on or about March 23 and March 29, 1935, from the State of Illinois into the State of Maryland of quantities of Limburger process cheese that was adulterated. The article was labeled in part: "Limburger Pasteurized Process Cheese Kraft-Phenix Cheese Corporation General Offices—Chicago, Ill."

It was alleged to be adulterated in that it consisted in part of a filthy animal substance containing therein many pieces of insect bodies (mostly of adult flies), large fragments of fly puparium, human and animal hairs, fragments of wood, cotton fibers, paper, and nondescript material.

On June 23, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $100 and costs.

M. L. Wilson, *Acting Secretary of Agriculture.*

27405. Adulteration and misbranding of canned tuna fish. U. S. v. 796 Cases of Canned Tuna Fish. Decree condemning portion of product and ordering its destruction, and releasing remainder to be relabeled. Amended decree ordering reexamination of released goods and destruction of any part thereof found unfit for human consumption. (F. & D. no. 37345. Sample no. 55523-B.)

Samples of this product were found to be short weight and decomposed.

On March 10, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 796 cases of canned tuna fish at Detroit, Mich., alleging that it had been shipped in interstate commerce on or about February 3, 1936, by Cohn-Hopkins, Inc., from San Diego, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Contents 7 Ozs. Avoir. Metric Equiv. 198 Grams Premier Tuna Fish * * * Francis H. Leggett & Co. Distributors New York."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

The article was alleged to be misbranded in that the statement on the can label, "Contents 7 Ozs. Avoir. Metric Equiv. 198 Grams", was false and misleading and tended to deceive and mislead the purchaser when applied to a product that was short of the declared weight. Misbranding was alleged for the further reason that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On August 25, 1936, Cohn-Hopkins, Inc., claimant, having admitted the allegations of the libel and the court having found that a portion of the product distinguishable by certain code marks was adulterated, judgment was entered condemning the said portion and ordering that it be destroyed; it was further ordered that the remainder be released under bond conditioned that it be relabeled. On December 3, 1936, an amended decree was entered permitting shipment of the released goods to San Diego, Calif., there to be reexamined and any portion found unfit for human consumption destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27406. Adulteration of cream. U. S. v. One 10-Gallon Can, et al., of Cream. Consent decrees of condemnation and destruction. (F. & D. nos. 37840, 37850, 37851, 37852. Sample nos. 69951-B, 71051-B, 71052-B, 71053-B.)

This product was found to be decomposed or filthy, or both.

On May 21, June 6, and June 8, 1936, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of nine 10-gallon cans of cream at Modesto, Calif., alleging that it had been shipped in interstate commerce in various shipments on or about May 18, June 1, and June 2, 1936, by the Milk Producers Association of Central California, Fallon, Nev.; R. M. Howard, Reno, Nev.; and Harry Hibbard, Yerington, Nev., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 22 and June 8, 1936, the consignee having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27407. Adulteration of cream. U. S. v. One 10-Gallon Can and One 10-Gallon Can of Cream. Consent decrees of condemnation and destruction. (F. & D. nos. 37841, 37853. Sample nos. 69955-B, 71061-B.)

This product was found to be decomposed or filthy, or both.

On May 25 and June 12, 1936, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two 10-gallon cans of cream at Sacramento, Calif., alleging that it had been shipped in interstate commerce, in part on or about May 21, 1936, by the Lakeview Creamery, Lakeview, Oreg., and in part on or about June 10, 1936, by Joe Rosselli, Carson City, Nev., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 25 and June 12, 1936, the consignee having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

2740S. Adulteration and misbranding of olive oil. U. S. v. Arte Products, Inc., and Max Schaer, Pleas of guilty. Fine of $100 on count one imposed against each defendant; fine of $5,800 against each defendant on remaining counts remitted. (F. & D. no. 37986. Sample nos. 60923–B, 60925–B, 61229–B, 61230–B, 61233–B, 61234–B, 61546–B, 61552–B, 61557–B, 61567–B, 61777–B, 61778–B, 61779–B, 61781–B, 61785–B, 61788–B.)

This product was adulterated with tea-seed oil.

On January 27, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Arte Products, Inc., New York, N. Y., and Max Schaer, an officer of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act on or about May 31, October 24, and November 8, 1935, from the State of New York into the State of Connecticut; and on or about October 28 and November 11, 1935, and January 6, 13, and 15, February 5, 13, 20, and 24, and March 2 and 4, 1936, from the State of New York into the State of New Jersey of quantities of olive oil that was adulterated and misbranded. The article was labeled in part variously: "Arte Brand"; "O Sole Mio"; "Toscano Brand * * * Ital. Amer. Whle. Groc. Imprs. & Exprs. Ital. Prod. * * * West New York, N. J."; "Tosca Brand Packed Expressly For P. D'Imperio * * * West New York, N. J."; "Caruso Brand"; "La Rosa Brand * * * Imported [or "Packed"] Exclusively for Triestino Importing Co."; "Davide Brand * * * B. Kornfeld Newark, N. J."; "Elena Brand * * * D. Kline, Newark, N. J."; "Sparviero Brand."

The article was alleged to be adulterated in that tea-seed oil had been substituted in part for olive oil, which it purported to be and in that tea-seed oil had been mixed and packed with it so as to reduce or lower its quality or strength.

It was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, olive oil, which it purported to be but was not. It was alleged to be misbranded further in that the following statements and designs, borne on the cans containing it, were false and misleading and were borne on said cans so as to deceive and mislead the purchaser since it was not composed wholly of olive oil as represented by said statements and designs but was a mixture composed of tea-seed oil and olive oil: (Arte brand) "Superfine pure olive oil imported product * * * puro olio D'Oliva Sopraffino Prodotto Importato [designs of olive branches and picture of a dish of green olives] * * * Imported Product Prodotto Importato [designs of Italian coat of arms and Italian flag] * * * Imported Olive Oil"; (O Sole Mio brand) "O Sole Mio Virgin Extra Sublime Olive Oil Imported from Lucca-Italy * * * O Sole Mio Olio D'Oliva Vergine Extra Sublime Importato Da Lucca-Italy [design of olive branches] O Sole Mio Italian Olive Oil is produced with selected ripe olives from the finest regions available. That is why the quality is uniformly 'Of the Best' at all times. Absolutely pure in all respects and so guaranteed under chemical analysis O Sole Mio Olio Di Oliva Italiano e prodotto con olive scelte della migliore provenienza. Ed e per questo che la qualita e sempre indiscutibilimente superiore. Assolutamente puro sotto Ogni rispetto a garantito come tale verso analisi chimica. Non dovete esitare and usare questo olio di oliva liberamente per la cucina e per insalata. E pure ottimo per uso medicinale", (gallon cans) "Pure Imported Olive Oil" and (on half-gallon cans) "Imported from Italy"; (Toscano brand) "Italian Product Pure Olive Oil Toscano * * * Choicest Quality * * * Prodotto Italiano Puro Olio d'Oliva Toscano [design of olive branches and Italian coat of arms] This Olive Oil is guaranteed to be absolutely pure and is highly recommended * * * Questo Olio D'Oliva e garantito assolutamente puro ed e raccomandato per uso tavola e medicinale. [design of olive branches] * * * Imported Olive Oil"; (Tosca brand) "Pure Italian Olive Oil * * * Italy * * * Olive Oil Pure Olive Oil * * * This Olive Oil is guaranteed to be absolutely pure under chemical analysis. Dieses Oliven Oel ist garantie absolut rein unter chemischer analyse. Cette Huile d'Olives est garantie absolument pure sous analyse chimique. Questo Olio di Oliva è guarantito assolutamente puro sotto analisi chimica"; (top of can) "Imported

Olive Oil", and the design of an Italian flag, the Italian coat of arms, olive trees, and women gathering olives; (Caruso brand) "Imported Pure Olive Oil Olio d' Oliva Puro Importato [designs of olive branches] Pure Olive Oil This Olive Oil is guaranteed to be absolutely pure under chemical analysis. Quest olio e garantito assolutamente puro sotto analisi chimica * * * [design of Italian coat of arms and of Italian flag] Marca Caruso Medaglia D'Oro Croce D'Onore Diploma Esposizione Industriale Roma 1923 Olio d'Oliva Importato Qualita Sopraffina Caruso Brand Above All Others"; (La Rosa brand) "Superfine Quality * * * Pure Olive Oil Imported [on portion "Pure Olive Oil Imported From Italy"] * * * Qualita Sopraffino * * * Puro Olio d'Oliva Importato. This Olive Oil is guaranteed to be absolutely pure and is highly recommended for table and medicinal purposes * * * Questo Olio D'Oliva e garantito assolutamente puro ed e raccommandato per uso tavola e medicinale * * * Imported Olive Oil", and the designs of olive branches and olives, (Davide brand) "Prodotto Italiano Puro Olio D'Oliva Davide Brand, Choicest Quality * * * Italian Product Pure Olive Oil Davide Brand [design of olive branches] This olive oil is guaranteed to be absolutely pure and is highly recommended for table and medicinal purposes. Questo Olio D'Oliva e per uso tavola e medicinale [design of olive branch] * * * Imported Olive Oil"; (Elena brand) "Superfine Quality Elena * * * Pure Olive Oil Imported from Italy * * * Qualita Sopraffino Elena * * * Puro Olio d'Oliva Importato Dall'Italia [design of olive branch]. This Olive Oil is guaranteed to be absolutely pure and is highly recommended * * * Questo Olio d'Oliva e garantito assolutamente puro ed e raccomandato per uso tavola e medicinale * * * Imported Olive Oil"; (Sparviero brand) "Lucca Italy Toscana Virgin Guaranteed Pure Olive Oil Imported from Italy. This olive oil is guaranteed to be absolutely pure Recommended for medicinal and Table Use * * * Imported Olive Oil", and designs of olive branches with olives.

On March 22, 1937, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of $200 against each defendant on each of the 30 counts of the information and ordered that fines on all counts but the first be remitted. Subsequently the fine on the first count was reduced to $100 as to each defendant.

M. L. Wilson, *Acting Secretary of Agriculture.*

27469. Adulteration and misbranding of assorted jellies and assorted jams. U. S. v. 816 Jars of Assorted Jams and 247 Jars of Assorted Jellies. Consolidated and tried to the court. Judgment of condemnation. Products delivered to public or charitable agencies. (F. & D. nos. 38104, 38150. Samples nos. 69210–B, 3608–C.)

These products all contained less fruit and more sugar than standard jams and jellies should contain. In addition, the jellies and 6 of the 10 varieties of jams contained water, which should have been removed in the process of manufacture; and they also contained pectin or acid, or both pectin and acid.

On August 3 and August 18, 1936, the United States attorney for the District of Nevada, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 816 jars of assorted jams and 247 jars of assorted jellies at Reno, Nev., alleging that they had been shipped in interstate commerce on or about March 7, 1936, by the Kopper Kettle Syrup Co. from Sacramento, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Made by J. D. Armstrong, Los Angeles."

The adulteration and misbranding charges in the libels are set out in detail in the findings of fact by the court.

On March 10, 1937, the above-entitled causes came on for trial before the court sitting without a jury, a trial by jury having been waived. J. D. Armstrong and B. D. Topf, copartners, doing business under the name and style of Kopper Kettle Syrup Co., had entered an appearance in each of the two cases as claimants of the libeled jams and jellies, through their attorney, but were not represented in court by counsel at the trial of the cases. Upon motion of counsel for plaintiff, the court entered its order consolidating the causes for trial. Evidence was introduced on behalf of plaintiff, and the court being fully advised in the premises, on said date entered its order that decree be entered in favor of plaintiff, and further ordered that counsel for plaintiff prepare and submit findings. On April 19, 1937, the court signed the following Findings of Fact:

NORCROSS, *District Judge*: 1. That on or about the 7th day of March, 1936, Kopper Kettle Syrup Co. shipped from Sacramento, California, to and into the City of Reno, State and District of Nevada, via United Motor Transport Lines, Inc., and consigned to Conant Bros. Inc., Reno, Washoe County, Nevada, articles of food products, to-wit: eight hundred and sixteen jars, more or less, of assorted jams, made by J. D. Armstrong, Los Angeles, California, including among others, wild blackberry, black currant, gooseberry, black raspberry, red raspberry, youngberry, loganberry, strawberry, peach, and grape, and each of said jars containing the above-described product is labeled in part as follows:

"Armstrong's Pure Wild Blackberry [or "Black Currant" or "Gooseberry" or "Black Raspberry" or "Red Raspberry" or "Youngberry" or "Loganberry" or "Strawberry" or "Peach" or "Grape"] Jam made by J. D. Armstrong, Los Angeles Net Wt. 7 Oz.";

and 247 jars, more or less, of assorted jellies, made by J. D. Armstrong, Los Angeles, California, including among others, grape, blackberry, plum, and red raspberry, and each of said jars containing the above described products is labeled in part as follows:

"Armstrong's Pure Grape [or "Blackberry" or "Plum" or "Red Raspberry"] Jelly Made by J. D. Armstrong, Los Angeles. Net Wt. 7 Oz."

2. That all of said above-described food products were libeled and seized for violations of the Food and Drugs Act; that definitions and standards, issued by the United States Department of Agriculture, are used as a basis for determining the compliance with the Food and Drugs Act of so-called jams and jellies; that the standards so used are those promulgated by the Food Standards Committee; that said Food Standards Committee is comprised of a total membership of nine, with representation thereon, as follows: Three members from the United States Department of Agriculture; three members from the membership of the Association of Official Agricultural Chemists, and three members from the membership of the National Association of State Food Officials; that before said standards were adopted, public hearings were conducted to enable the committee to devise definitions and standards for various food products which represent the understanding of the average consumer or purchaser as to the identity of the particular product named; that at said public hearings so conducted, persons interested in the standards were accorded opportunities to present any criticisms, comments, or suggestions; that the definitions and standards thereafter and so devised by the Committee, represent the understanding of the average consumer or purchaser so far as said understanding is susceptible of ascertainment, as to the identity of the product named; that the definition and standards so adopted by the Committee for fruit jams and jellies were adopted by the Department of Agriculture as representing the consumers' understanding of such products; that the particular standards in question appear in Department of Agriculture Publication SRA, FD No. 2, Rev. 5, issued in November 1936, and entitled, "Definitions and Standards for Food Products for Use in Enforcing the Food and Drugs Act", page 9, items 8 and 9 under the general heading, "Fruit and Fruit Products", subheading "Preserves, Jams, Jellies," and read as follows:

"8. Preserve, Fruit Preserve, Jam, Fruit Jam. The product made by cooking to a suitable consistence properly prepared fresh fruit, cold-pack fruit, canned fruit, or a mixture of two or all of these, with sugar or with sugar and dextrose, with or without water. In its preparation not less than 45 pounds of fruit are used to each 55 pounds of sugar or of sugar and dextrose. A product in which the fruit is whole or in relatively large pieces is customarily designated a "preserve" rather than a "jam."

9. JELLY, FRUIT JELLY. The semisolid, gelatinous product made by concentrating to a suitable consistence the strained juice or the strained water extract from fresh fruit, from cold pack fruit, from canned fruit, or from a mixture of two or of all of these, with sugar or with sugar and dextrose."

That the standards for jams and jellies, as printed in the said November 1936, publication were unchanged from the form in which the same were printed in the previous Rev. 4 of the Department of Agriculture issued in August 1933, and were the definitions and standards in force and effect at the time of the violations alleged in the libels filed herein; that the said present standard for jam is essentially similar to that adopted some thirty years ago, and shortly after the enactment of the Food and Drugs Act; that the present standard for jellies is of many years standing; that the majority of the preserve manu-

facturers recognize, and have recognized, the appropriateness of the said standards employed by the Department of Agriculture; that on November 11, 1936, the Federal Trade Commission issued Trade Practice Rules for the preserve industry; that said Rules had been established by said Commission as a result of a request by the National Preservers' Association, and after public hearings; that said Trade Practice Rules included definitions and standards for preserves and jellies; that the standards included in said Trade Practice Rules, in essential particulars, are similar to the said definitions and standards employed by the Food and Drug Administration as representative of consumers' understanding.

3. That it is common practice, in making jams and jellies in the home, to use, roughly, equal amounts of fruit and sugar; that is, the common household formula is one cup of fruit to each cup of sugar; that the said standard for jam expresses, roughly, this proportion; that the said standard for jelly does not make a numerical requirement as to the amount of fruit juices to be used, recognizing that the amount which is necessary to produce a jelly varies considerably with different varieties of fruits, and different maturity of fruits, because of the natural variation in pectin content; that it is difficult to make jellies from certain fruits, because of deficiency in pectin, and that the Department has not objected to the addition of pectin to make up for deficiencies in the natural pectin content of such fruits, provided that in such cases at least fifty (50) pounds of fruit juices are employed for each fifty (50) pounds of sugar in the original batch; that said standard for jelly represents the consumers' understanding of this product, as the same has been determined as hereinabove found; that is to say, that jelly consists of a mixture of fruit juices and sugar concentrated somewhat to form a semi-solid, jelly-like product; that the requirement that fifty (50) pounds of fruit be employed for each fifty (50) pounds of sugar, where added pectin is used, is made to insure a reasonable effort to produce a jelly from fruit and sugar alone; that is, if the use of substantial amounts of fruit juices in the order of fifty (50%) per cent of the original batch will not produce a "jell" then the addition of appropriate amounts of pectin is without objection; that pectin is the natural ingredient in fruits which is responsible for the jelling properties; that pectin is manufactured in considerable amounts, commercially, from citrus fruits and from apples; that it has a legitimate use in the preserve and jelly industry in the manufacture of jams and jellies, to make up for deficiencies in this substance in the fruits employed, or for use in making substandard products labeled as imitations; that jam-like or jelly-like products can be made by using commercial pectin, sugar, water, and fruit acids, with only very small amounts of actual fruit or fruit juice; that such products are not entitled, under the standards and definitions of the Department of Agriculture, to be represented as jams or jellies, but, in fact, should be represented as imitation jams or jellies, and labels further should bear appropriate statements indicating the nature of the products, or wherein they are imitations; that the jams and jellies here libeled are not jams and jellies, but are, in fact, imitation products and should be labeled and designated as imitations.

4. That the composition, and particularly the fruit content of a fruit jam or jelly, can be ascertained by chemical analysis; that such analysis includes determinations of various fruit constituents, such as ash, phosphoric acid, and other factors; that such constituents in jams and jellies are derived largely from the fruit used, and hence are indices of the amount of fruit when compared with the average figures for such constituents in natural fruits, a large number of authentic samples of which the Department has analyzed over a period of years; that such authentic analyses have been tabulated and are available to the chemists of the Department of Agriculture; that the United States Food and Drug Administration has made comprehensive studies of the composition of various fruits over a period of years, and has compiled data on these fruits from analyses of a great number of samples of each variety; that the composition of a jam or jelly is determined by chemical analysis for certain constituents which are relatively constant for each variety of fruit; that a comparison of the amount of fruit constituents in a jam or jelly, with the amount of the constituents found in the natural fruits or fruit juices, permit the calculation of the amount of fruit or fruit juices used in making the jams or jellies; that samples of the jams and jellies seized in the above cases were so chemically analyzed, and calculations of the amount of fruit and fruit juices used in making the said jams and jellies then calculated; that samples

of said products were analyzed for soluble solids; that such analysis determined the sugar content of the said jam and jellies, respectively; that samples of the said products were also analyzed for insoluble solids, ash, phosphoric anhydride, total acidity, and alcohol precipitate; that the relative amount of alcohol precipitate is a measure of the pectin present in the fruit or fruit product.

5. That said analyses of the eight (8) different flavors of the so-called jams herein libeled, disclosed that approximately the following indicated amounts of fruit were used to each fifty-five (55) pounds of sugar in their manufacture:

Youngberry	23.3 lbs.	Red Raspberry	23.4 lbs.
Gooseberry	25.8 "	Grape	25.8 "
Black Raspberry	19.3 "	Black Currant	17.2 "
Wild Blackberry	18.1 "	Loganberry	30 "
Strawberry	24.7 "	Peach	26 "

6. That said analyses of samples of the so-called jellies herein libeled, disclosed that to each fifty (50) pounds of sugar in the original batches of the same, approximately the following amounts of fruit were used in the indicated flavors:

Grape	10.5 lbs.
Blackberry	13.4 "
Plum	20.4 "
Red Raspberry	10.7 "

7. That said analyses shows that said jams and jellies herein libeled, are misbranded and adulterated under the Federal Food and Drugs Act as charged in said libels, in that they are materially deficient in fruit; that the fruit deficiencies have been made up by the substitution for fruit of sugar, or sugar and pectin, and/or acid and water.

8. In Case No. 2702, and on count one thereof, the court finds that the contents of each of said eight hundred and sixteen jars, more or less, of assorted jams, made by J. D. Armstrong, Los Angeles, California, including among others, wild blackberry, black currant, gooseberry, black raspberry, red raspberry, youngberry, loganberry, strawberry, peach, and grape, labeled as hereinabove alleged, are misbranded in violation of the Food and Drugs Act, Section 8, as follows:

General Paragraph, Paragraph Second, and Paragraph Fourth, in the case of food, in that the statements "Pure Wild Blackberry [or "Black Currant" or "Gooseberry" or "Black Raspberry" or "Red Raspberry" or "Youngberry" or "Loganberry" or "Strawberry" or "Peach" or "Grape"] Jam" are false and misleading and tend to deceive and mislead the purchaser as applied to an article resembling a jam but [which] is not a jam;

Paragraph First, in the case of food, in that they are imitations of and offered for sale under the distinctive names of other articles.

9. In case No. 2702, and with reference to the second count thereof, the court finds that the contents of each of said eight hundred and sixteen jars, more or less, of assorted jams, in count one of said libel hereinabove described, are adulterated in violation of the Food and Drugs Act, Section 7, as follows:

Paragraph First, in the case of food, wild blackberry, black currant, gooseberry, and black raspberry, in that sugar has been mixed and packed with the article so as to reduce or lower its quality; red raspberry, youngberry, loganberry, and strawberry, in that sugar, pectin, and water have been mixed and packed with the article so as to reduce or lower its quality; peach, in that sugar, acid, and water have been mixed and packed with the article so as to reduce or lower its quality; grape, in that sugar, acid, pectin, and water have been mixed and packed with the article so as to reduce or lower its quality;

Paragraph Second, in the case of food, wild blackberry, black currant, gooseberry, and black raspberry, in that a mixture of fruit and sugar containing less fruit and more sugar than jam, has been substituted for jam, which the article purports to be; red raspberry, youngberry, loganberry, and strawberry, in that a mixture of fruit, sugar, pectin, and water containing less fruit and more sugar than jam, has been substituted for jam, which the article purports to be; peach, in that a mixture of fruit, sugar, acid, and water containing less fruit and more sugar than jam, has been substituted for jam, which the article purports to be; grape, in that a mixture of fruit, sugar, acid, pectin, and water containing less fruit and more sugar than jam, has been substituted for jam, which the article purports to be;

Paragraph Fourth, in the case of food, wild blackberry, black currant, gooseberry, and black raspberry, in that sugar has been mixed with the article in a manner whereby inferiority is concealed; red raspberry, youngberry, loganberry, and strawberry, in that sugar, pectin, and water have been mixed with the article in a manner whereby inferiority is concealed; peach, in that sugar, acid, and water have been mixed with the article in a manner whereby inferiority is concealed; grape, in that sugar, acid, pectin, and water have been mixed with the article in a manner whereby inferiority is concealed.

10. That the jars of said assorted jams, described as aforesaid, are in the possession of Conant Bros., Inc., Reno, Washoe County, Nevada, and within the jurisdiction of this Court.

11. In Case No. 2704, and with reference to count one thereof, the court finds that the contents of each of said two hundred and forty seven jars, more or less, of assorted jellies, made by J. D. Armstrong, Los Angeles, California, including among others, grape, blackberry, plum, and red raspberry, labeled as hereinabove alleged, is misbranded in violation of the Food and Drugs Act, Section 8, as follows:

General Paragraph, Paragraph Second, and Paragraph Fourth, in the case of food, in that the statements "Pure Grape [or "Blackberry" or "Plum" or "Red Raspberry"] Jelly" are false and misleading and tend to deceive and mislead the purchaser as applied to a product resembling a jelly, but which is not jelly;

Paragraph First, in the case of food, in that they are imitations of and offered for sale under the distinctive names of other articles, namely, jelly.

12. In Case No. 2704, and with reference to the second count thereof, the court finds that the contents of each of said two hundred and forty-seven jars, more or less, of said assorted jellies, in count one of said libel hereinabove described, are adulterated in violation of the Food and Drugs Act, Section 7, as follows:

Paragraph First, in the case of food, red raspberry, grape, and blackberry, in that sugar, acid, water, and pectin have been mixed and packed with the article so as to reduce or lower its quality; plum, in that sugar, water, and pectin have been mixed and packed with the article so as to reduce or lower its quality;

Paragraph Second, in the case of food, red raspberry, grape, and blackberry, in that a mixture of fruits, sugar, acid, water, and pectin, containing less fruit and more sugar than jelly, has been substituted for jelly, which the article purports to be; plum, in that a mixture of fruit, sugar, water, and pectin containing less fruit and more sugar than jelly has been substituted for jelly, which the article purports to be;

Paragraph Fourth, in the case of food, red raspberry, grape, and blackberry, in that sugar, acid, water, and pectin have been mixed with the article in a manner whereby inferiority is concealed; plum, in that sugar, water, and pectin have been mixed with the article in a manner whereby inferiority is concealed.

13. That the jars of said assorted jellies, described as aforesaid, are in the possession of Conant Bros., Inc., Reno, Washoe County, Nevada, and within the jurisdiction of this Court.

14. That it does not appear that either said jams or said jellies herein libeled, are dangerous or deleterious to health, or that the same are decomposed or filthy, or otherwise unsuitable for consumption.

CONCLUSIONS OF LAW

The Court concludes as matters of law,

1. That said jams and jellies should be condemned, declared forfeited to the United States, and destroyed, or otherwise disposed of as the decree herein directs.

On April 23, 1937, judgment was entered condemning the products and ordering that they be delivered to a public or charitable institution or agency.

M. L. WILSON, *Acting Secretary of Agriculture.*

27410. Adulteration and misbranding of grapefruit juice. U. S. v. 880 Cases of Grapefruit Juice. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38291. Sample no. 16773-C.)

This case involved grapefruit juice that contained added water.

On September 14, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 880 cases of grape-

fruit juice at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 21, 1936, by Eckerson Fruit Canners, Inc., from Sanford, Fla., and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: (Cans) "Superb Royal Scarlet Grapefruit Juice sugar added * * * R. C. Williams & Co., Inc. Distributors New York."

The article was alleged to be adulterated in that water had been mixed and packed with it so as to reduce or lower its quality or strength; and in that water had been substituted wholly or in part for grapefruit juice, which the article purported to be.

It was alleged to be misbranded in that the statement "Grapefruit Juice sugar added" was false and misleading and tended to deceive the purchaser when applied to an article containing added water.

On May 28, 1937, R. C. Williams & Co. Inc., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled under the supervision of this Department.

M. L. Wilson, *Acting Secretary of Agriculture.*

27411. Adulteration of pears. U. S. v. 368 Bushels of Pears. Default decree of condemnation and destruction. (F. & D. no. 38434. Sample no. 19486–C.)

This product was contaminated with arsenic and lead.

On October 6, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 368 bushels of pears at Minneapolis, Minn., alleging that they had been shipped in interstate commerce on or about September 27, 1936, by A. R. Knight from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or other deleterious ingredients, namely, lead and arsenic.

On October 24, 1936, the product having become decomposed and the consignee having consented to its destruction, judgment was entered ordering that it be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27412. Misbranding of malted milk. U. S. v. 117, 221, and 57 Cartons of Malted Milk. Consolidated consent decree of condemnation. Product released under bond to be relabeled. (F. & D. nos. 38477, 38564, 38782. Sample nos. 25203–C, 25671–C, 26116–C.)

This product was represented to be chocolate-flavored malted milk. Samples, however, were found to contain but small amounts of, if any, malted milk.

On November 5, November 23, and December 15, 1936, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 395 cases of malted milk at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 24 and October 6, 9, 10, 13, and 14, 1936, by General Desserts Corporation from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Lovely Sweet Malted Milk Chocolate Flavor * * * This product is a pure food that meets all pure food law requirements. * * * General Desserts Corp. N. Y. C."

The article was alleged to be misbranded in that the statement appearing on the label, "meets all pure food law requirements", was misleading since it created the impression that the article had been examined and approved by the Government of the United States, that the Government guaranteed that it complied with the law, and that it did so comply; whereas it had not been approved by the Government, the Government did not guarantee that it complied with the law, and it did not so comply. It was alleged to be misbranded further in that the statements on the label, "Malted Milk * * * malted milk", were false and misleading and tended to deceive and mislead the purchaser, since they represented that the article was malted milk; whereas it was not malted milk.

On May 21, 1937, the General Desserts Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, a consolidated judgment was entered condemning the product and ordering that it be released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. Wilson, *Acting Secretary of Agriculture.*

27413. Adulteration of pears. U. S. v. 39 Bushels of Pears. Decree of destruction. (F. & D. no. 38495. Sample no. 15063–C.)

This product was contaminated with arsenic and lead.

On October 6, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 bushels of pears at Cincinnati, Ohio, consigned on October 4, 1936, alleging that they had been shipped in interstate commerce by J. M. Benson from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "A. V. Frake Benton Harbor Michigan." It was alleged to be adulterated in that it contained poisonous or deleterious ingredients, namely, lead and arsenic, in amounts which might have rendered it injurious to health.

On October 13, 1936, the consignee having recommended destruction of the product, judgment was entered ordering that it be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27414. Adulteration and misbranding of potatoes. U. S. v. 360 Sacks of Potatoes. Product released under bond to be relabeled. (F. & D. no. 38499. Sample no. 31709–C.)

These potatoes were below the grade declared on the label because of excessive grade defects.

On November 5, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 360 sacks of potatoes at Cincinnati, Ohio (consigned October 26, 1936, alleging that the article had been shipped in interstate commerce by the Wesco Foods Co., from Blanchard, Mich., and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: "Diamond A Brand U. S. No. 1 Grade Michigan Potatoes F. E. Baldwin Inc., Chicago, Illinois."

The article was alleged to be adulterated in that potatoes below U. S. grade No. 1 had been substituted wholly or in part for grade No. 1 potatoes, which it purported to be.

It was alleged to be misbranded in that the statement "U. S. No. 1 Grade", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes that were below U. S. No. 1 grade.

On November 7, 1936, the Wesco Foods Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment was entered finding the product adulterated and misbranded and ordering that it be released under bond conditioned that it be relabeled.

M. L. Wilson, *Acting Secretary of Agriculture.*

27415. Adulteration of crab meat. U. S. v. William C. Larrimore. Plea of guilty. Fine, $50 and costs. (F. & D. no. 38650. Sample nos. 7948–C, 7951–C.)

This case involved crab meat that contained filth.

On April 16, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William C. Larrimore, St. Michaels, Md., charging shipment by said defendant in violation of the Food and Drugs Act on or about August 12 and August 16, 1936, from the State of Maryland into the State of Pennsylvania of quantities of crab meat that was adulterated.

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance.

On May 12, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50 and costs.

M. L. Wilson, *Acting Secretary of Agriculture.*

27416. Adulteration of canned prunes. U. S. v. Western Oregon Packing Corporation. Plea of guilty. Fine, $25. (F. & D. no. 38680. Sample no. 24083–C.)

This product was in part moldy and decomposed.

On April 26, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Oregon Packing Corporation, Corvallis, Oreg., charging shipment by said defendant in violation of the Food and Drugs Act on or about October 6, 1936, from the State of Oregon into the State of Washington of a quantity of canned prunes that were adulterated. The article

was labeled in part: "Falls Brand Italian Prunes Packed For Roundup Grocery Co. Spokane, Washington."

It was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On May 28, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $25.

M. L. WILSON, *Acting Secretary of Agriculture.*

27417. Misbranding of oil. U. S. v. 31 Dozen Bottles and 137 Bottles of "La Espanola Brand Aceite de Oliva y Aceite Vegetal Refinado." Consent decrees of condemnation. Product released under bond and relabeled. (F. & D. nos. 38693, 38694. Sample nos. 72352–B, 72353–B.)

This product was labeled to convey the impression that it was olive oil; but it consisted chiefly of corn or soybean oil, or of a mixture of both, and contained only a small amount of olive oil. It was also short in volume.

On November 24, 1936, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 31 dozen bottles and 137 bottles of oil at San Juan, P. R., alleging that the article had been shipped in interstate commerce on or about September 24 and October 3, 1936, by Serrano & Alonso, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "La Española Brand Aceite de Oliva y Aceite Vegetal Refinado Contiene quince por ciento aceite puro de oliva espanol y ochenta y cinco por ciento aceite vegetal cientificamente refinado Cont. * * * Eight Fl. Ozs."

The article was alleged to be misbranded in that the statement, "La Espanola" and the prominent statement "Aceite de Oliva" (olive oil), borne on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to an article consisting chiefly of corn or soybean oil, or a mixture of these, with a very small amount of olive oil and this prominent statement was not corrected by the less prominent statement following it on the label, "y Aceite Vegetal Refinado" (and refined vegetable oil), nor the still less prominant statement, "Contiene quince por ciento aceite puro de oliva espanol y ochenta y cinco por ciento aceite vegetal cientificamente refinado" (contains 15 percent pure Spanish olive oil and 85 percent scientifically refined vegetable oil). The article was alleged to be misbranded further in that the statement "Cont. Eight Fl. Ozs." was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in volume; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On May 3, 1937, Freiria & Cía., S. en C., and Jose Martinez Lopez, San Juan, P. R., claimants for respective portions of the article, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled or exported outside of the United States. The product was relabeled with a label approved by this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

27418. Adulteration and misbranding of butter. U. S. v. Adolph Peter Erickson (Pregress Creamery). Plea of guilty. Fine, $200 and costs. (F. & D. no. 38624. Sample nos. 21841–C, 21842–C.)

This case involved butter that was deficient in milk fat.

On February 25, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Adolph Peter Erickson, trading as Progress Creamery, Vancouver, Wash., charging shipment by said defendant in violation of the Food and Drugs Act on or about September 25, 1936, from the State of Washington into the State of Oregon of quantities of butter that was adulterated and misbranded. The article was labeled in part: "State Department of Agriculture Licensed Distributor No. 14. * * * Springbrook Butter. * * * Springbrook Dairy, Portland, Oregon."

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

The article was alleged to be misbranded in that the statement "Butter", borne on the package, was false and misleading and was borne on the package so as to deceive and mislead the purchaser, since it represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat; whereas it did not contain 80 percent by weight of milk fat but did contain a lesser amount.

On May 17, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $200 and costs.

M. L. Wilson, *Acting Secretary of Agriculture.*

27419. Adulteration and misbranding of canned cherries. U. S. v. 25 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. & D. no. 38826. Sample no. 31058–C.)

This product was substandard because of the presence of an excessive number of pits and was not labeled to indicate that it was substandard.

On January 28, 1937, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of canned cherries at Raton, N. Mex., alleging that they had been shipped in interstate commerce on or about November 10, 1936, by the Delta Canning Co., from Delta, Colo., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Town Talk Water Pack R. S. P. Cherries * * * Packed for The Stone-Hall Co., Denver, Colo."

It was alleged to be adulterated in that partially pitted red sour cherries had been mixed and packed therewith so as to reduce or lower its quality and had been substituted in part for red sour pitted cherries, which it purported to be.

The article was alleged to be misbranded in that the statement "R. S. P. Cherries" was false and misleading and tended to deceive and mislead the purchaser when applied to partially pitted cherries. The article was alleged to be misbranded further in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the cherries were partially pitted, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On March 4, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27420. Adulteration of cabbage. U. S. v. 416 Hampers of Cabbage. Decree of condemnation. Product released under bond conditioned that deleterious substances be removed. (F. & D. no. 38828. Sample no. 6121–C.)

This product was contaminated with arsenic and lead.

On November 25, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 416 hampers of cabbage at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about November 13, 1936, by Chas. Gibson, Inc., from Meggett, S. C., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Gibson Jr Brand Grown & Packed Chas F. Gibson Meggett S. C."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 3, 1936, the Michigan Central Railroad Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released to the claimant under bond, conditioned that the outer leaves bearing the poisonous and deleterious substances be stripped off.

M. L. Wilson, *Acting Secretary of Agriculture.*

27421. Adulteration of tomato catsup. U. S. v. 612 Cases of Tomato Catsup. Default decree of destruction. (F. & D. no. 38853. Sample no. 5229–C.)

Samples of this product were found to contain worm fragments.

On December 19, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of 612 bottles of tomato catsup at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about September 25 and October 1, 1936, by the American Packing Corporation from Evansville, Ind., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Foley's Tomato Catsup Packed for Foley Grocery Co., St. Paul, Minn."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On June 12, 1937, no claimant having appeared, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27422. Adulteration of tomato paste. U. S. v. 65 Cases of Canned Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 38871. Sample no. 26471–C.)

This product contained excessive mold.

On or about January 7, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 cases of canned tomato paste at Hartford, Conn. (consigned on or about November 12, 1936), alleging that the article had been shipped in interstate commerce by the Marlboro Canning Corporation from Marlboro, N. Y., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: (Cans) "Lola Brand * * * Tomato Paste * * * Packed in U. S. A. by The Marlboro Canning Corp., Marlboro, N. Y."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On June 14, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27423. Adulteration and misbranding of thyme leaves. U. S. v. 17 Bags of Thyme Leaves. Default decree of condemnation and destruction. (F. & D. no. 38961. Sample no. 14581–C.)

The appearance of this product and the fact that it yielded approximately two-thirds the amount of volatile oil that it should yield, indicated the presence of exhausted leaves.

On January 18, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 bags of thyme leaves at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 21, 1936, by Sokol & Co. from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that thyme leaves from which a portion of the volatile oil content had been removed, had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for thyme leaves, which it purported to be; and in that a valuable constituent of the article, namely, volatile oil, had been wholly or in part abstracted.

The article was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, namely, thyme leaves.

On April 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27424. Adulteration of canned salmon. U. S. v. 160 Cases of Canned Salmon. Decree of condemnation. Product released under bond. (F. & D. no. 39053. Sample nos. 4427–C, 28220–C.)

This canned salmon was in part decomposed.

On February 6, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 160 cases of canned salmon at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about August 20, 1936, by the Alaska Salmon Co., from Bristol Bay, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On February 24, 1937, the Alaska Salmon Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

27425. Adulteration of frozen egg whites. U. S. v. 144 Cans of Frozen Egg Whites. Product released under bond. (F. & D. no. 39059. Sample no. 9853–C.)

Samples of this product were found to be decomposed.

On February 8, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 144 cans of frozen egg whites at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 29, 1937, by Rhodes Ranch Egg Co. from Denver, Colo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rhodes Frozen Fresh Eggs."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On March 22, 1937, the Rhodes Ranch Egg Co., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond conditioned that it should not be disposed of in violation of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

27426. Misbranding of canned pears. U. S. v. 62 Cases of Canned Pears. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39204. Sample no. 32802–C.)

This product was not normally colored. It was, therefore, substandard and was not labeled to indicate that it was substandard.

On March 20, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 62 cases of canned pears at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about February 9, 1937, by Paulus Bros. Packing Co., from Portland, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Firland Pears * * * Paulus Bros. Packing Co. Salem, Oregon."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the pears were not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On July 15, 1937, Harry H. Roy, Baltimore, Md., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

27427. Adulteration and misbranding of jellies. U. S. v. 44 Jars of Raspberry Jelly, et al. Default decree of condemnation and destruction. (F. & D. nos. 39233 to 39236, incl. Sample nos. 9965–C to 9968–C, incl.)

These products contained less fruit juice and more sugar than standard jellies contain. All varieties contained added pectin and some also contained added acid.

On March 24, 1937, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 132 jars of assorted jellies at Nogales, Ariz., alleging that they had been shipped in interstate commerce on or about February 6, 1935, by Golden West Products Co., from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Golden West Products Co. Bonnie Brae Brand Pure Raspberry [or "Crabapple," "Blackberry," or "Plum"] Jelly."

The articles were alleged to be adulterated in that substances, sugar and pectin in the case of the raspberry and blackberry varieties and sugar, pectin, and acid in the case of the crab apple and plum varieties, had been mixed and

packed with them so as to reduce or lower their quality; and in that mixtures of fruit juices, sugar, and pectin, containing added acid in the crab apple and plum varieties—said mixtures containing less fruit juice and more sugar than jellies—had been substituted for jellies, which the articles purported to be. The articles were alleged to be adulterated further in that they had been mixed in a manner whereby inferiority was concealed.

They were alleged to be misbranded in that the statements, "Pure Raspberry [or "Pure Crabapple", "Pure Blackberry", or "Pure Plum",] Jelly", were false and misleading and tended to deceive and mislead the purchaser when applied to articles resembling jellies but which were not jellies; and in that they were imitations of and were offered for sale under the distinctive names of other articles, namely, jellies.

On April 26, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27428. Adulteration and misbranding of tomato paste. U. S. v. 47, 58, and 265 Cases of Canned Tomato Paste. Default decrees of condemnation and destruction. (F. & D. nos. 39238, 39283, 39369. Sample nos. 20586–C, 27017–C, 27610–C.)

This product was deficient in tomato solids and contained excessive mold.

On or about March 22, March 31, and April 14, 1937, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 370 cases of canned tomato paste in various lots at Manchester, Meriden, and Waterbury, Conn., alleging that the article had been shipped in interstate commerce between the dates of October 2, 1936, and February 18, 1937, by the Canandaigua Juice Co. from Canandaigua, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Sole Brand * * * Salsa di Pomidoro * * * Packed by Canandaigua Juice Co. Candandaigua, N. Y. * * * Tomato Paste."

The article was alleged to be adulterated in that an insufficiently concentrated tomato product had been substituted wholly or in part for tomato paste, which it purported to be; and in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

It was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, tomato paste; and in that the statements, "Salsa di Pomidoro" and "Tomato Paste", were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was insufficiently concentrated for tomato paste.

On June 14, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27429. Adulteration of canned apple sauce. U. S. v. 900 Cases of Apple Sauce. Consent decree of condemnation and forfeiture. Product released under bond for salvaging. (F. & D. no. 39276. Sample no. 25575–C.)

This product was in part decomposed.

On or about March 29, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 900 cases of apple sauce at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 22, 1937, by the National Fruit Product Co. Inc., from Winchester, Va., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: (Cans) "Marshall Seal Apple Sauce Distributed by Marshall Food Products Co. Marshalltown, Iowa."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On May 27, 1937, the National Fruit Product Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond for salvaging the good portion.

M. L. Wilson, *Acting Secretary of Agriculture.*

27430. Adulteration and misbranding of tomato catsup. U. S. v. 148 Cases and 49 Cases of Tomato Catsup (and three other seizure actions). Default decrees of destruction. (F. & D. nos. 39298 to 39302, incl. Sample nos. 34508–C, 34509–C.)

This product contained filth resulting from worm infestation and was short weight.

On or about April 2, 1937, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 344½ cases of tomato catsup at Pensacola, Fla., alleging that it had been shipped in interstate commerce on or about October 15, 1936, by the San Carlos Canning Co., from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Topco Brand Tomato Catsup * * * Net Contents 6 lb. 12 Oz. Packed by Tomato Packing Corporation, Harbor City California." The remainder was labeled: "Fairplay Brand Net Weight 6 Lbs. 12 Oz. or 3.06 Kilograms Tomato Catsup * * * Parrott & Co. San Francisco, California."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

The article was alleged to be misbranded in that the statements, "Net Contents 6 Lb. 12 Oz." with respect to the Topco brand, and "Net Contents 6 Lbs. 12 Oz. or 3.06 Kilograms" with respect to the Fairplay brand, were false and misleading and deceived and misled the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 28, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27431. Adulteration and misbranding of tomato puree. U. S. v. 215 Cases of Tomato Puree. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39314. Sample no. 34515–C.)

This product contained a smaller amount of tomato solids than tomato puree should contain.

On or about April 2, 1937, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of, among other goods, 215 cases of tomato puree at Pensacola, Fla., alleging that it had been shipped in interstate commerce on or about June 27, 1936, by Angelo Glorioso from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Eagle Brand Tomato Puree * * * Packed by A. Glorioso New Orleans, La."

It was alleged to be adulterated in that an insufficiently concentrated tomato product had been substituted for tomato puree.

The article was alleged to be misbranded in that the statement on the label, "Tomato Puree", was false and misleading and deceived and mislead the purchaser; and in that it was offered for sale under the distinctive name of another article.

On April 26, 1937, Angelo Glorioso having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. Wilson, *Acting Secretary of Agriculture.*

27432. Adulteration of tomato puree. U. S. v. 98 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 39324. Sample no. 18890–C.)

This product contained filth resulting from worm infestation.

On April 3, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 cases of tomato puree at Cape Girardeau, Mo., alleging that it had been shipped in interstate commerce on or about October 19, 1936, by the Decatur Packing Corporation, from Greensburg, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Red and White Brand Tomato Puree Red and White Corp'n, Distributors, Chicago, Ill."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On May 22, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27433. Adulteration of canned salmon. U. S. v. 34 Cases of Canned Salmon. Decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 39325. Sample no. 34542–C.)

This canned salmon was in part decomposed.

On April 3, 1937, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 cases of canned salmon at Montgomery, Ala., alleging that it had been shipped in interstate commerce on or about February 12, 1937, by the Pacific American Fisheries, Inc., from Bellingham, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Pennant Brand Alaska Red Sockeye Salmon Packed by Northwestern Fisheries Co. Seattle."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On June 25, 1937, the Pacific American Fisheries, Inc., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond for segregation and destruction of the decomposed portion and relabeling of the good portion as "Reprocessed."

M. L. WILSON, *Acting Secretary of Agriculture.*

27434. Adulteration of tomato and celery juice. U. S. v. 50 Cartons and 700 Cases of Tomato and Celery Juice. Default decrees of condemnation and destruction. (F. & D. nos. 39347, 39406. Sample nos. 10179–C, 31154–C.)

This product was undergoing a form of chemical decomposition.

On April 20, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cartons of tomato and celery juice at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce in part on or about October 4, 23, and 24, 1935, by Blake & Co., from Layton, Utah, and in part on or about November 7, 1935, by the Perry Canning Co., from Perry, Utah, for the account of Blake & Co., and charging adulteration in violation of the Food and Drugs Act. On May 21, 1937, a libel was filed in the District of Colorado against 700 cases of celery and tomato juice at Denver, Colo., consigned by Blake & Co., alleging that the article had been shipped in interstate commerce on or about October 31, 1935, and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Celto Brand Tomato and Celery Juice * * * Packed for Blake & Blackinton, Ogden, Utah."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On May 27 and July 15, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27435. Adulteration of sugar-rolled dates. U. S. v. 542 Cases of Sugar-Rolled Dates. Default decree of condemnation and destruction. (F. & D. no. 39362. Sample no. 31987–C.)

This product was insect-infested and moldy.

On or about April 10, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 542 cases of sugar-rolled dates at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about February 4 and 5, 1937, by Capitol Brands, Inc., from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sugar Rolled Dates Capitol Brands, Inc., Long Island City, N. Y."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On June 16, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27436. Adulteration of frozen fish (whitings). U. S. v. 600 Cases of Frozen Fish. Default decree of destruction. (F. & D. no. 39379. Sample nos. 41449–C, 41463–C.)

This product was in part decomposed.

On April 14, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of frozen fish at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about March 18, 1937, by the Slade Gorton Co. from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On May 18, 1937, no claimant having appeared, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

37437. Adulteration of tomato paste. U. S. v. 24 Cases of Canned Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 39383. Sample no. 29801–C.)

This case involved canned tomato paste that contained excessive mold.

On April 15, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of tomato paste at Washington, Pa., alleging that the article had been shipped in interstate commerce on or about March 18, 1937, by Lawtons Canning Co., Inc., from Lawtons, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Lawtons Club Tomato Paste * * * Packed by Lawtons Canning Co. Inc. Lawtons, N. Y."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On June 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27438. Adulteration and misbranding of frozen egg yolks. U. S. v. 79 Cans of "S Yolks" and 89 Cans of "Yolks." Consent decree of condemnation. Product released under bond. (F. & D. nos. 39389, 39390. Sample nos. 35632–C, 35633–C, 35649–C, 35650–C.)

This product contained varying amounts of egg white. The containers failed to bear a statement of the quantity of the contents.

On or about April 19, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 168 cans of frozen egg yolks at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about January 14, 1937, by the Northwest Poultry & Dairy Products Co. from Portland, Oreg., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled "S Yolks" and the remainder was labeled "Yolks."

A portion of the article was alleged to be adulterated in that a mixture of egg yolks, egg white, and added sugar had been substituted wholly or in part for sugared egg yolks, which the article purported to be; and the remainder was alleged to be adulterated in that a mixture of egg yolks, egg white, and sugar had been substituted wholly or in part for egg yolks, which the article purported to be.

It was alleged to be misbranded in that the terms "S Yolks" and "Yolks" were false and misleading and tended to deceive and mislead the purchaser when applied to an article containing egg yolks, egg white, and sugar. It was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On April 28, 1937, the California Poultry Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to show its true nature and the quantity of the contents.

M. L. Wilson, *Acting Secretary of Agriculture.*

27439. Adulteration of herring. U. S. v. 20 Boxes of Herring. Default decree of condemnation and destruction. (F. & D. no. 39391. Sample no. 19612–C.)

This product was infested with worms.

On April 16, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 boxes of herring at Green Bay, Wis., alleging that the article had been shipped in interstate commerce on or about February 23, 1937, by L. Isaacson & Stein from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "From L. Isaacson & Stein * * * Chicago, Ill."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On May 29, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27440. Misbranding of canned peas. U. S. v. 60 Cases and 851 Cases of Canned Peas. Decrees of condemnation. Portion of product released under bond conditioned that it be relabeled. Remainder ordered destroyed. (F. & D. nos. 39394, 39862. Sample nos. 8066–C, 20616–C.)

This product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On April 22 and June 15, 1937, the United States attorneys for the Districts of Connecticut and Maryland, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 60 cases of canned peas at Manchester, Conn., and 851 cases of canned peas at Baltimore, Md., alleging that the article had been shipped in interstate commerce in various shipments on or about July 17 and August 14, 1936, and May 17, 1937, by A. Krasne, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: (Cans) "Union Jack Early June Peas * * * Calvert Canning Co. Baltimore, Md., Distributors." The remainder was labeled: "Imperial Brand * * * Early June Peas * * * Lord-Mott Co. Baltimore, Md. U. S. A. Distributors."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature—more than 25 percent being ruptured; and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On June 14, 1937, no claimant having appeared for the product seized at Manchester, Conn., judgment of condemnation was entered and it was ordered destroyed. On June 18, 1937, a claim having been entered for the product seized at Baltimore, Md., judgment of condemnation was entered. The decree provided that the product might be released under bond conditioned that it be relabeled.

M. L. Wilson, *Acting Secretary of Agriculture.*

27441. Misbranding of canned peas. U. S. v. 40 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. no. 39395. Sample no. 20615–C.)

This product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On or about April 22, 1937, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cases of canned peas at Manchester, Conn., alleging that they had been shipped in interstate commerce on or about July 23, 1936, by Krasne Bros., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Ma-Son Early June Peas * * * Stevenson-Mairs Co. Distributors Baltimore, Md."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, more than 25 percent being ruptured and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On June 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27442. Adulteration of raisins. U. S. v. 185 Cases of Raisins. Default decree of condemnation and destruction. (F. & D. no. 39421. Sample no. 18680–C.)

This case involved raisins that were insect-infested.

On April 23, 1937, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 185 cases of raisins at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about December 8, 1936, by the California Packing Co. [Corporation] from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Regent Brand California Cluster Raisins Packed by Del-Rey Packing Company Del-Rey, California."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On July 10, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27443. Adulteration and misbranding of preserves. U. S. v. The W. M. Spencer Sons Co. Plea of guilty. Fine, $120. (F. & D. no. 39440. Sample nos. 5531–C to 5536–C, incl.)

These products were represented to be preserves but contained less fruit and more sugar than standard preserves should contain. All lots contained added pectin and acid, and with the exception of one of the two shipments of strawberry preserves, they contained water that should have been boiled off in the process of manufacture. The labels of all lots but one failed to declare the benzoate of soda present in the articles.

On April 26, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the W. M. Spencer Sons Co., Cincinnati, Ohio, charging shipment by said defendant in violation of the Food and Drugs Act on or about June 12, July 15, and July 16, 1936, from the State of Ohio into the State of Kentucky of quantities of preserves which were adulterated and misbranded. Certain lots were labeled in part: "Spencer * * * Strawberry [or "Raspberry", "Blackberry", or "Peach"] Preserves." The remaining lots were labeled in part: "Spencer Pure Cherry [or "Strawberry"] Preserves * * * Manufactured by the W. M. Spencer Sons Co., Cincinnati, Ohio."

The articles were alleged to be adulterated in that substances containing sugar, acid, and pectin—and (with the exception of one of the lots of the strawberry variety) water which should have been removed in the process of cooking, had been mixed and packed with the articles so as to reduce and lower their quality as preserves; in that substances containing mixtures of fruit, acid, and pectin, and sugar in a proportion to fruit larger than is contained in preserves, and (with the exception of one lot of strawberry preserve) also containing water which should have been removed in the process of cooking, had been substituted wholly for products which the labels represented the articles to be, namely, preserves; and in that the articles were inferior to preserves and their inferiority was concealed by the mixing and packing as aforesaid.

The articles were alleged to be misbranded in that there were borne upon the labels the statements "Strawberry Preserves", "Raspberry Preserves", "Blackberry Preserves", "Peach Preserves", "Cherry Preserves", and "Pure Strawberry Preserves"; that the articles were not preserves; that they were substances containing mixtures of fruit, acid, and pectin, and (with the exception of one lot of the strawberry variety) also containing water which should have been removed in the process of cooking, and sugar in a proportion to fruit larger than is contained in preserves; that said statements were false and misleading; and in that by said statements the articles were labeled so as to deceive and mislead the purchasers; and in that the articles were imitations of preserves and had been offered for sale under the distinctive names of other articles, namely, strawberry, raspberry, blackberry, peach, and cherry preserves. Misbranding was alleged with respect to all lots with the exception of one lot of the strawberry variety for the further reason that the articles

contained benzoate of soda, and the labels did not show the presence and amount of benzoate of soda contained therein.

On June 3, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $120.

M. W. Wilson, *Acting Secretary of Agriculture.*

27444. Adulteration of canned beets. U. S. v. 54 Cases of Canned Beets. Default decree of condemnation and destruction. (F. & D. no. 39392. Sample no. 45711–C.)

This case involved canned beets that were in part decomposed.

On April 17, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 cases of canned beets at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about April 3, 1937, by the Green Bay Canning Corporation from Green Bay, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fort Howard Brand Cut Beets * * * Green Bay Canning Corporation Green Bay Wisconsin."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On June 12, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27445. Adulteration of canned beets. U. S. v. 49 Cases of Beets. Default decree of condemnation and destruction. (F. & D. no. 39509. Sample no. 31486–C.)

This case involved canned beets that were in part decomposed.

On April 28, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of canned beets at Cincinnati, Ohio, consigned on or about March 11,1937, alleging that the article had been shipped in interstate commerce by the Brownsville Canning Co., from Brownsville, Wis., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Dot Dot's Good Whole Beets Distributed By The Janszen Company, Cincinnati, Ohio."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On June 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27446. Adulteration of crab meat. U. S. v. 135 1-Pound Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 39513. Sample no. 22885–C.)

This case involved canned crab meat that contained filth.

On April 26, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 135 pound cans of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about April 20 and April 21, 1937, by S. L. Lewis from Brunswick, Ga., and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 16, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27447. Adulteration and misbranding of canned beets. U. S. v. 171½ Cases, 51⅓ Cases, and 256 Cases of Canned Sliced Beets. Default decrees of condemnation and destruction. (F. & D. nos. 39073, 39520. Sample nos. 31722–C, 33640–C.)

This product was in part decomposed.

On February 12 and April 28, 1937, the United States attorney for the Northern District of Illinois and the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in their respective courts libels praying seizure and condemnation of 68-⅔ cases of canned beets at Chicago, Ill., and

256 cases of canned beets at Cincinnati, Ohio, the former consigned on or about January 8, 1937, and the latter on or about March 11, 1937, alleging that the article had been shipped in interstate commerce by the Mammoth Springs Canning Co., from Sussex, Wis., and charging that it was adulterated and that a portion was also misbranded in violation of the Food and Drugs Act. A portion of the article was labeled: (Cans) "Security Brand Fancy Sliced Beets Packed For Mid-City Wholesale Grocers Chicago, Illinois Aurora, Illinois." The remainder was labeled: "Gladioli Sliced Beets * * * Packed By Mammoth Springs Canning Company."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

A portion of the article was alleged to be misbranded in that the term "Fancy" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was decomposed.

On April 30 and June 9, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27448. Adulteration of canned beets. U. S. v. 103 Cases of Canned Beets. Default decree of destruction. (F. & D. no. 39531. Sample no. 30458–C.)

This case involved canned beets that were in part decomposed.

On April 29, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 103 cases of canned beets at Kansas City, Mo., alleged that the article had been shipped in interstate commerce on or about March 23, 1937, by the Germantown Canning Co., from Germantown, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Elegante Brand Fancy Cut Table Beets * * * Packed by Germantown Canning Co. Germantown, Wis."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On June 9, 1937, no claimant having appeared, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27449. Misbranding of olive oil. U. S. v. 5 One-gallon Cans, 6 Half-gallon Cans, 14 One-quart Cans; and U. S. v. 13 One-gallon Cans and 20 Half-gallon Cans of Olive Oil. Consent decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 39552, 39553. Sample nos. 32887–C, 32889–C.)

This case involved olive oil that was short in volume.

On May 5 and May 6, 1937, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 58 cans of olive oil in part at Portland, Oreg., and in part at Astoria, Oreg., alleging that the article had been shipped in interstate commerce on or about March 7 and April 1, 1937, by the Lucca Olive Oil Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Gold Deer Brand Pure Olive Oil Manufactured and Packed by Lucca Olive Oil Co., Lucca, Cal. Contents 1 Gallon [or "Contents ½ Gallon" or "Contents 1 Quart"]."

It was alleged to be misbranded in that the statements, "Contents 1 Gallon", "Contents ½ Gallon", and "Contents 1 Quart", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in volume; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 2, 1937, the Lucca Olive Oil Co., of Lindsay, Calif., having appeared as claimant and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. Wilson, *Acting Secretary of Agriculture.*

27450. Misbranding of canned peas. U. S. v. 1,537 Cases of Canned Peas. Consent decree of condemnation. Product released under bond for relabeling of misbranded portion. (F. & D. no. 39566. Sample no. 42110–C.)

A portion of this product was substandard because the peas were not immature, and it was not labeled to indicate that it was substandard.

On May 6, 1937, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,537 cases of canned peas at Washington, D. C., alleging that the article had been shipped in interstate commerce between the dates of January 5 and January 13, 1937, by the B. F. Shriver Co. from Westminster, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Blue Ridge Brand June Peas * * * The B. F. Shriver Co. Distributors, Westminster, Md. U. S. A."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that it fell below such standard.

On June 3, 1937, the B. F. Shriver Co., claimant, having consented to the entry of a decree and the court having found that an examination might disclose that a portion of the product was not misbranded, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned upon the segregation and release of the portion which was not misbranded and the relabeling of the portion (329 cases) which was misbranded.

M. L. Wilson, *Acting Secretary of Agriculture.*

27451. Misbranding of potatoes. U. S. v. 400 Sacks and 300 Sacks of Potatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. nos. 39569, 39572. Sample nos. 43532–C, 43533–C.)

These cases involved potatoes that were below the standard declared on the label.

On May 8, 1937, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 700 sacks of potatoes at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about April 27 and May 1, 1937, by Metzger's, Inc., 400 sacks from Keswick, Mich., and 300 sacks from Bates, Mich., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. 1 Good Luck Michigan Potatoes."

The article was alleged to be misbranded in that the statement "U. S. 1" was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes that were below U. S. Grade No. 1.

On May 11, 1937, Metzger's, Inc., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, a consolidated judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

M. L. Wilson, *Acting Secretary of Agriculture.*

27452. Misbranding of potatoes. U. S. v. 350 Sacks of Potatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39573. Sample no. 43534–C.)

These potatoes were below the standard declared on the label because of excessive defects.

On May 7, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 350 sacks of potatoes at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about May 3, 1937, by Herman Hartwig from Peshtigo, Wis., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "U. S. One Leader Quality Wisconsin Potatoes Shipped By Herman Hartwig Peshtigo Wisconsin."

It was alleged to be misbranded in that the statement "U. S. One" was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes that were below U. S. grade No. 1.

On May 11, 1937, Christ Hansen & Co. Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of this Department.

M. L. Wilson, *Acting Secretary of Agriculture.*

27453. Adulteration and misbranding of Frute-Ade. U. S. v. 624 Dozen Bottles, Assorted Flavors, of Frute-Ade. Default decree of condemnation and destruction. (F. & D. no. 39575. Sample nos. 35070–C to 35076–C, incl.)

These products were labeled to convey the impression that they derived their fruit characteristics from fruit juices. Examination showed that they consisted essentially of acid solutions and artificial colors; and that the grape, strawberry, cherry, and raspberry varieties contained artificial flavors. All products were short in volume.

On May 8, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 624 dozen bottles of assorted flavors of Frute-Ade at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about April 17, 1937, by the Atlantic Food Packing Co., from Trenton, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act. All varieties were labeled in part: "2½ Fl. Ozs. Frute-Ade * * * Atlantic Food Packing Co. Trenton, N. J." The labels of the grape, strawberry, cherry, raspberry, and lemon varieties bore the statement, "Certified Color, flavor and fruit acid added"; and those of the "Pure Lemon Lime" and "Pure Orange" bore the statement "Certified Color and fruit acid added."

The articles were alleged to be adulterated in that mixtures of acid solutions and artificial colors, the grape, strawberry, cherry, and raspberry varieties containing artificial flavors and little or no juices of the fruits named, had been substituted for Frute-Ade, a beverage which derives its fruit characteristics from fruit juices, which the articles purported to be.

All flavors of the articles were alleged to be misbranded in that the statements "Frute-Ade" and "2½ Fl. Ozs.", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to articles containing acid solutions and artificial colors, and which were short volume. The grape, strawberry, cherry, and raspberry varieties only were alleged to be misbranded further in that the statements, "Grape Flavor", "Strawberry Flavor", "Cherry Flavor", and "Raspberry Flavor", were false and misleading and tended to deceive and mislead the purchaser when applied to articles containing artificial flavors with little or no juices of the fruits named on the labels.

On June 9, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27454. Adulteration of crab meat. U. S. v. 92 and 85 1-pound Cans of Crab Meat (and 9 other seizure actions). Default decrees of condemnation and destruction. (F. & D. nos. 39579, 39584, 39633, 39634, 39668, 39882, 39913 to 39916 incl. Sample nos. 34644–C to 34647–C, incl., 42123–C, 43457–C, 43515–C, 43519–C to 43522–C, incl.)

These cases involved crab meat that contained filth.

On May 7, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 177 pound cans of crab meat at Baltimore, Md. On May 8, 10, 17, and June 18 and 25, 1937, libels were filed against 129 additional 1-pound cans of crab meat at Baltimore, Md., and one box and four barrels, each containing a number of cans, and 337 pound cans of crab meat at Washington, D. C. The libels alleged that the article had been shipped in interstate commerce between the date of May 4 and June 21, 1937, by the Des' Allemands Sea Food Co., from Allemands, La., and that it was adulterated in violation of the Food and Drugs Act. Portions of the article were labeled: (Tag) "From Des' Allemands Sea Food Co. Allemands Louisiana."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 9, 16, 18, August 4, and September 7 and 16, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27455. Adulteration of tomato catsup. U. S. v. 67 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 39589. Sample no. 35399–C.)

This case involved tomato catsup that contained excessive mold.

On May 11, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 67 cases of tomato catsup at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about December 4, 1936, by the Naas Corporation of Indiana, from Portland, Ind., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "Na-Co High Quality Tomato Catsup * * * The Naas Corporation of Indiana, Sunman, Ind."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On June 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27456. Adulteration of raisins. U. S. v. 163 Cases, et al., of Raisins. Default decrees of condemnation and destruction. (F. & D. nos. 39612 to 39616, incl., 39624, 39637, 39638. Sample nos. 42014–C to 42019–C, incl., 42021–C, 42023–C.)

These raisins contained hydrocyanic acid in amounts which might have rendered them injurious to health.

On or about May 18 and May 21, 1937, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 452 cases of raisins at Petersburg, Va., and 73 cases of raisins at Richmond, Va., alleging that they had been shipped in interstate commerce on or about December 4, 1936, by the Del-Rey Packing Co. from Stockton, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "De Luxe Brand [or "Regent Brand"] * * * Raisins Packed by Del-Rey Packing Co. Del-Rey California."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, hydrocyanic acid, which might have rendered it injurious to health.

On June 25, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27457. Misbranding and alleged adulteration of egg yolks. U. S. v. 333 Cans of Yolks. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39618. Sample nos. 35610–C, 38712–C.)

This product was represented to consist of egg yolks containing 10 percent of sugar, but did consist of egg yolks and egg white containing approximately 6.71 percent of sugar.

On May 15, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 333 cans of egg yolks at San Francisco, Calif., alleging that they had been shipped in interstate commerce on or about March 20, 1937, by the Northwest Poultry & Dairy Products Co., from Meridian, Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Yolks, 10 percent sugar added * * * Northwest Poultry and Dairy Products Co., * * * Portland, Oregon."

It was alleged to be adulterated in that a mixture of egg yolks and egg white containing less than 10 percent of sugar had been substituted wholly or in part for egg yolks and 10 percent of sugar, which the article purported to be.

The article was alleged to be misbranded in that the statement "Yolks Ten Percent Sugar added" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was a mixture of egg yolks and egg white containing less than 10 percent of sugar.

On June 5, 1937, Armour & Co., claimant, having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering that it be condemned. The product was released under bond conditioned that it be relabeled.

M. L. Wilson, *Acting Secretary of Agriculture.*

27458. Adulteration of crab meat. U. S. v. 1 Barrel and 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 39641. Sample no. 22969–C.)

This case involved crab meat that contained filth.

On May 14, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two barrels of canned crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 12, 1937, by South Carolina Seafoods Corporation, from Beaufort, S. C., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: (Tag) "From South Carolina Seafoods Corp. Beaufort S. C."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27459. Adulteration of bran. U. S. v. 200 Bags of Bran. Decree of forfeiture and destruction. (F. & D. no. 39648. Sample no. 35093–C.)

This product was infested with live mites and weevils, was decomposed, discolored, caked, and moldy, and had a strong ammoniacal odor.

On May 22, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 bags of bran at Philadelphia, Pa., alleging that it had been shipped in interstate commerce on or about April 6, 1937, by P. A. Barry from Brooklyn, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Matarazzo Brasil S. Paulo Product of Brazil Matarazzo New York."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On May 26, 1937, no claimant having appeared and the marshal having represented that the product was in a highly combustible and dangerous condition, judgment was entered ordering that it be destroyed immediately.

M. L. Wilson, *Acting Secretary of Agriculture.*

27460. Adulteration of crab meat. U. S. v. 1 Box of Claw Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 39640. Sample no. 22962–C.)

This case involved crab meat that was filthy.

On May 14, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one box of claw crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 12, 1936, by L. P. Maggioni & Co., from Savannah, Ga., and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "L. P. Maggioni & Co. Savannah, Ga."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27461. Adulteration of butter. U. S. v. 19 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. no. 39665. Sample no. 26282–C.)

This case involved butter that was deficient in milk fat.

On May 7, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 tubs of butter at Chicago, Ill., alleging that it had been shipped in interstate commerce on or about April 26, 1937, by O. G. Harp Poultry & Egg Co. from Shawnee, Okla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On May 12, 1937, H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of this Department.

M. L. Wilson, *Acting Secretary of Agriculture.*

27462. Adulteration of crab meat. U. S. v. One Barrel of Backfin Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 39667. Sample no. 22977–C.)

This case involved crab meat that contained filth.

On May 22, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Baltimore, Md., alleging that it had been shipped in interstate commerce on or about May 20, 1937, by Geo. N. Baker from Belhaven, N. C., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 29, 1937, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27463. Adulteration of currants. U. S. v. 170 Boxes of Currants. Consent decree of condemnation and destruction. (F. & D. no. 39676. Sample no. 26294–C.)

This product contained hydrocyanic acid in an amount that might have rendered it injurious to health.

On June 5, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 170 boxes of currants at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about May 12, 1937, by the Consolidated Packing Co. from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Honey Bunch Brand Zante Currants Packed by Consolidated Packing Co. San Francisco, Calif."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, hydrocyanic acid, which might have rendered it injurious to health.

On June 14, 1937, the Consolidated Packing Co. having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27464. Adulteration of crab meat. U. S. v. 36 1-Pound Cans, et al., of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 39708. Sample no. 43465–C.)

This case involved crab meat that contained filth.

On May 27, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 pound cans of crab meat at Baltimore, Md., alleging that it had been shipped in interstate commerce on or about May 24, 1937, by the Star Fish & Oyster Co. from Mobile, Ala., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 29, 1937, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27465. Adulteration of crab meat. U. S. v. 69 and 28 1-pound Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 39709. Sample no. 43472–C.)

This case involved crab meat that contained filth.

On May 28, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 97 cans of crab meat at Baltimore, Md., alleging that it had been shipped in interstate commerce on or about May

25, 1937, by the Graham Sea Food Co., from Coden, Ala., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 29, 1937, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27466. Misbranding of butter. U. S. v. 16 Cartons and 21 Cartons of Butter. Decree of condemnation. Product released under bond to be repacked. (F. & D. no. 39710. Sample nos. 43426–C, 43427–C.)

This case involved butter that was short in weight.

On May 22, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cartons of butter at New Orleans, La., alleging that it had been shipped in interstate commerce on or about May 10, 1937, by the Lexington Ice & Creamery Co. from Lexington, Miss., and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled: (Retail carton) "Clear Brook Creamery Butter * * * Distributed by Wilson & Co. * * * Net Weight 1 Pound"; (parchment wrapper) "¼ Lb. Net Weight." The remainder was labeled: (Wrapper) "Country Roll Creamery Butter Pasteurized Distributors Wilson & Co. * * * 1 Lb. Net Weight."

The article was alleged to be misbranded in that the statements, "Net Weight 1 Pound", "¼ Lb. Net Weight", and "1 Lb. Net Weight", were false and misleading and tend to deceive and mislead the purchaser; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 12, 1937, the Lexington Ice & Creamery Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be repacked to the correct weight.

M. L. Wilson, *Acting Secretary of Agriculture.*

27467. Misbranding of butter. U. S. v. 24 Cases of Butter. Consent decree of condemnation. Product ordered released under bond. (F. & D. no. 39856. Sample no. 43404–C.)

This case involved butter that was short in weight.

On June 4, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases, each containing 32 rolls of butter, at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about May 26, 1937, by the Kosciusko Creamery from Kosciusko, Miss., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Parchment wrapper) "Maple Leaf Butter One Pound Net."

It was alleged to be misbranded in that the statement on the label, "One Pound Net", was false and misleading and deceived and misled the purchaser; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 10, 1937, the Kosciusko Creamery Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be tubbed or brought up to the labeled weight.

M. L. Wilson, *Acting Secretary of Agriculture.*

27468. Adulteration of tomato and celery juice. U. S. v. 32 Cases of Tomato and Celery Juice. Default decree of condemnation and destruction. (F. & D. no. 39906. Sample no. 41234–C.)

This product was undergoing a form of chemical decomposition.

On June 25, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 cases of tomato and celery juice at Idaho Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about April 18 and 28, 1936, by Symns Utah Grocer Co., from Salt Lake City, Utah, and charging adulteration in violation of the Food and

Drugs Act. The article was labeled in part: "Celto Brand Tomato and Celery Juice * * * Packed for Blake and Blackinton Ogden, Utah."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On August 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27469. Adulteration of crab meat. U. S. v. 2 Barrels, et al., of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 39857, 39912, 39921. Sample nos. 21577–C, 50616–C, 50618–C.)

These cases involved crab meat that contained filth.

On June 4, 10, and 11, 1937, the United States attorneys for the District of Maryland and the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of seven barrels and two boxes of crab meat at Baltimore, Md., and 72 pound tins of crab meat at Chicago, Ill., alleging that it had been shipped in interstate commerce on or about June 1 and June 7, 1937, by the St. Mary Seafood Co. from Morgan City, La., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 15 and July 15, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27470. Adulteration of cream. U. S. v. Two 10-Gallon Cans and One 10-Gallon Can of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40004. Sample no. 42073–C.)

This product was found to be decomposed or filthy, or both.

On July 9, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cans of cream at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about July 8, 1937, by Chesapeake Creameries, Inc., from Leesburg and Berryville, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 9, 1937, the consignee having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27471. Adulteration of cream. U. S. v. Two 5-Gallon Cans and Two 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40094. Sample no. 28838–C.)

This product was found to be decomposed or filthy, or both.

On July 21, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cans of cream at Buffalo, N. Y., alleging that it had been shipped in interstate commerce on or about July 14, 1937, in various shipments, by D. A. Reisinger, Titusville, Pa.; Roy Sparling, North East, Pa.; H. R. Fullner, Williamsport, Pa.; and Harrington & Co., Williamsport, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 22, 1937, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27472. Adulteration of cream. U. S. v. Two 10-Gallon Cans of Sour Cream. Consent decree of condemnation and destruction. (F. & D. no. 40095. Sample no. 42100–C.)

This product was found to be decomposed or filthy, or both.

On July 26, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cans of cream at Middleton,

Md., alleging that it had been shipped in interstate commerce on or about July 24, 1937, by South Mountain Creamery, Inc., from Martinsburg, W. Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 26, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27473. Adulteration of cream. U. S. v. Three 5-Gallon Cans, One 10-Gallon Can, and Eight 10-Gallon Cans of Cream. Consent decrees of condemnation and destruction. (F. & D. nos. 40139, 40140. Sample nos. 42938–C, 42939–C.)

This product was found to be decomposed or filthy, or both.

On August 5, 1937, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 12 cans of cream at Pittsburgh, Pa., alleging that it had been shipped in interstate commerce in part on or about August 3, and in part on or about August 4, 1937, in various shipments by William D. Zile, Westminster, Md.; Walter Johnson, Strasburg, Va.; Mrs. Ora R. Reddick, Walkersville, Md.; H. S. Schupback, Wellsburg, W. Va.; J. H. Broadwater, Salem, W. Va.; Magnus White, Weston, W. Va.; Roy Rose, Clarington, Ohio; Fairmont Creamery Co., Martinsburg, W. Va.; R. S. Unger, Berkeley Springs, W. Va.; and Fairmont Creamery Co., Strasburg, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 5, 1937, the consignee having consented to the entry of decrees, judgments were entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27474. Adulteration of cream. U. S. v. Six 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40284. Sample no. 48139–C.)

This product was found to be decomposed or filthy, or both.

On August 17, 1937, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cans of cream at Parkersburg, W. Va., alleging that the article had been delivered to a common carrier on or about August 11, 1937, by W. W. Friend, Parkersburg, W. Va., for shipment in interstate commerce to Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 17, 1937, the consignee having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27475. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat (and two other seizure actions). Default decrees of condemnation and destruction. (F. & D. nos. 39587, 39707, 40285. Sample nos. 22944–C, 22966–C, 22990–C, 42206–C.)

This product was in part filthy and in part decomposed.

On May 12, 14, and 27, 1937, the United States attorneys for the District of Maryland and for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 197 pound cans of crab meat at Baltimore, Md., and 98 pounds of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce by W. G. Ruark & Co., in part on or about May 8 and 12, 1937, from Port Royal, S. C., and in part on or about May 25, 1937, from Belhaven, N. C., and charging adulteration in violation of the Food and Drugs Act.

A portion of the article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance, and the remainder in that it consisted in whole or in part of a decomposed animal substance.

On June 9, 18, and 29, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27476. Adulteration of cream. U. S. v. One 8-Gallon Can and Two 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40306. Sample no. 30658–C.)

This product was found to be decomposed and/or to have a metallic taste.

On July 15, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cans of cream at Denver, Colo., alleging that it had been shipped in interstate commerce on or about July 10, 1937, in various shipments by Alice Morton, Black Wolf, Kans.; Co-Op. Union Merc. Co., Black Wolf, Kans.; and A. L. Bangart, Big Springs, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 15, 1937, the consignee having admitted the allegations of the libel and consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27477. Adulteration of cream. U. S. v. Two 5-Gallon Cans, Three 8-Gallon Cans, and Four 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40307. Sample no. 30659–C.)

This product was found to be in various stages of decomposition.

On July 15, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 12 and July 13, 1937, in various shipments by Albert L. Weis, Weskan, Kans.; Elmer Johnson, Sharon Springs, Kans.; John Vasa, Keystone. Nebr.; Herman Berst, Imperial, Nebr.; V. R. Jordan, Clarendon, Tex.; F. H. Kleymann, Tribune, Kans.; Frank Ellis, Scott City, Kans.; Farmers Friend, Goodland, Kans.; and Alvah Griffin, Almena, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 15, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27478. Adulteration of cream. U. S. v. Eight 5-Gallon Cans, et al., of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40308. Sample no. 30660–C.)

This product was in various stages of decomposition or filthy, or both decomposed and filthy.

On July 17, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight 5-gallon cans, three 8-gallon cans, and two 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 13, 1937, in various shipments by Adolph F. Walz, Indianola, Nebr.; George H. Woodrow, Sharon Springs, Kans.; Jennie B. Daniels, Montour, Idaho; Mrs. F. M. Whitten, Arvada, Wyo.; Sunrise Creamery Co., Cheyenne, Wyo.; E. D. Radiel, Sharon Springs, Kans.; George Koons, Winona, Kans.; Mrs. William Lee, Veteran, Wyo.; John F. Wilson, Leoti, Kans.; W. F. Glenn, Dimmitt, Tex.; Charles F. Smith, Horse Creek, Wyo.; W. S. Frisbie, Dodge City, Kans.; and Mrs. C. A. Kaiser, Phillipsburg, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 17, 1937, the consignee having admitted the allegations of the libel and consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27479. Adulteration of cream. U. S. v. One 3-Gallon Can, Eight 5-Gallon Cans, One 8-Gallon Can, and Three 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40309. Sample no. 30662–C.)

This product was found to be in various stages of decomposition.

On July 17, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 14, 1937, in various shipments by J. L. Lamberson, Vale, Oreg.; Mrs. W. O. Newel, Juntura, Oreg.; W. C. Adams, Monument, Kans.; Melvin Moncur, Kane, Wyo.; W. V. Meyers, Jr., Plainville, Kans.; H. M. Hemenway, Moorcroft, Wyo.; C. G. Anderson, Garland, Wyo.; Lewis E. Lent, Chama, N. Mex.; Steve Kisner, Victoria, Kans.; D. B. Jones, Crescent, Okla.; Floyd Adams, Leoti, Kans.; Mrs. E. R. Schulz, Hartley, Tex.; and Ernest Tatman, Boise City, Okla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 17, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27480. Adulteration of cream. U. S. v. Four 5-Gallon Cans and Nine 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40310. Sample no. 30663–C.)

This product was found to be decomposed or filthy, or both.

On July 20, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cans of cream at Colorado Springs, Colo., alleging that the article had been shipped in interstate commerce on or about July 15, 1937, in various shipments by Hollywood Cream Station, Bovina, Tex.; Ralph Dodd, Morland, Kans.; J. E. Dodd, Morland, Kans.; A. J. Bell, Glovis, N. Mex.; R. Stringfellow, Des Moines, N. Mex.; Wilson Co., Mills, N. Mex.; R. M. Purvis, Ruleton, Kans.; Arthur Cox, Norton, Kans.; Robert E. Amos, Ruleton, Kans.; and Vernon E. Chase, Norton, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 20, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27481. Adulteration of cream. U. S. v. One 10-Gallon Can and One 5-Gallon Can of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40311. Sample no. 30664–C.)

This product in one can was found to be oily and in the other it was decomposed.

On July 24, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture filed in the district court a libel praying seizure and condemnation of two cans of cream at Colorado Springs, Colo., alleging that the article had been shipped in interstate commerce on or about July 16, 1937, in part by Garwood Produce, Amarillo, Tex., and in part by C. M. Chase, Morton, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 24, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27482. Adulteration of cream. U. S. v. Four 5-Gallon Cans and Nine 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40312. Sample no. 30665–C.)

This product was found to be decomposed or filthy, or both.

On July 24, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of four 5-gallon cans and nine 10-gallon cans of cream at Colorado Springs, Colo., alleging that the article had been shipped in interstate commerce on or about July 17, 1937, in various shipments, by E. C. Winsor, Clayton, N. Mex.; Vivien E. Jones, Childress, Tex.; R. Stringfellow, Des Moines, N. Mex.; E. M. Rupp, Clayton, N Mex., G. P. Owen, Hereford, Tex.; Lester Wright, Lebanon, Kans.; Jacob Rupke, Prairie View, Kans.; Garwood Produce, Amarillo, Tex.; G. W. Baskin, Plainview, Tex.; E. F. Harris, Garden City, Kans.; A. J. Bell, Clovis, N. Mex., and Burden Grocery, Hedley, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 25, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27483. Adulteration of cream. U. S. v. Three 5-gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40313. Sample no. 30667–C.)

This product was found to be in various stages of decomposition.

On July 23, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cans of cream at Trinidad, Colo., alleging that the article had been shipped in interstate commerce in part on or about July 20 and July 21, 1937, in various shipments by J. H. Fowler, Eldorado, Okla ; J. H. Parker, O'Donnell, Tex.; and T. P. Roberts, Childress, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 23, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27484. Adulteration of cream. U. S. v. Two 8-Gallon Cans and Three 5-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40314. Sample no. 30668–C.)

This product was found to be decomposed or filthy, or both.

On July 24, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cans of cream at Trinidad, Colo., alleging that the article had been shipped in interstate commerce on or about July 21 and July 22, 1937, in various shipments by O. I. Mercer, Memphis, Tex.; W. W. Jones, Claude, Tex.; Frank G. Seltz, Bronte, Tex.; P H. Lillie, Santa Rosa, N. Mex.; and W. I. Crissman, Springer, N. Mex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 24, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27485. Adulteration of cream. U. S. v. Two 5-Gallon Cans of Cream and One 10-Gallon Can of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40315. Sample no. 30669–C.)

This product was decomposed or filthy, or both.

On July 26, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cans of cream at Trinidad, Colo., alleging that the article had been shipped in interstate commerce on or about July 22, 1937, in various shipments by P. A. Woodburn, Syracuse, Kans.; George M. Hutton, Magdalena, N. Mex.; and Claud Dean, Lamesa, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 26, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27486. Adulteration of cream. U. S. v. Two 5-Gallon Cans and One 10-Gallon Can of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40316. Sample no. 30670–C.)

This product was found to be in various stages of decomposition or filthy, or to be both decomposed and filthy.

On July 28, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cans of cream at Trinidad, Colo., alleging that the article had been shipped in interstate commerce on or about July 23, 1937, in various shipments by J. C. Thomas, Aiken, Tex.; E. E. Burnett, Goodnight, Tex.; and A. L. Miller, Amarillo, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 28, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27487. Adulteration of cream. U. S. v. Four 10-Gallon Cans, Three 8-Gallon Cans, and Two 5-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40317. Sample no. 39751–C.)

This product was found to be decomposed or filthy, or both.

On July 22, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 18 and July 19, 1937, in various shipments by Bert Engelsman, Long Island, Nebr.; Louis Schmidt, Anselmo, Nebr.; Mrs. John Gelis, Bingham, Nebr.; N. A. Brown, Lebanon, Kans.; H. J. Kremblow, Broken Bow, Nebr.; S. J. Ayers, Hedley, Tex.; Lynn Allen, Horace, Kans.; E. Hendrix, Larned, Tex.; and John T. Shotton, Sublette, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 22, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27488. Adulteration of cream. U. S. v. Three 5-Gallon Cans, Two 8-Gallon Cans, and Three 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40318. Sample no. 39752–C.)

This product was found to be decomposed or filthy, or both.

On July 21, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 19, 1937, in various shipments by Stephen Moore, Wallace, Nebr., Ralph Fillinger, Dewey, S. Dak.; Thomas C. Kanak, Kanopolis, Kans.; Chas. Janansek, Ludell, Kans.; Frank Gue Cream Co., Crawford, Nebr.; Clayton D. Russell, Glendo, Wyo.; J. L. Heard, Hartley, Tex.; and E. G. Burch, Selkirk, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 21, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27489. Adulteration of cream. U. S. v. Three 5-Gallon Cans, Three 8-Gallon Cans, and Two 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40319. Sample no. 39753–C.)

This product was found to be decomposed or filthy, or both.

On July 23, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 21, 1937, in various shipments by Fred A. Ridpath, Cambridge, Nebr.; Donald Hill, Broken Bow, Nebr.; Cal Wiggins, Wheeler, Kans.; B. H. Marshall, Elm Creek, Nebr.; F. J. Struckman, Brule, Nebr.; Frank Gue Cream Co., Crawford, Nebr.; A. S. Bevers, Lakeview, Tex.; and J. H. Koeninger, Hedley, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 23, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27490. Adulteration of cream. U. S. v. One 5-Gallon Can of Cream and Four 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40320. Sample no. 39754–C.)

This product was found to be decomposed or filthy, or both.

On July 26, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cans of cream at Denver, Colo., allegeing that the article had been shipped in interstate commerce on or about July 23, 1937, in various shipments by Hansie Johnson, Champion, Nebr.; W. J. Hughes, Glendo, Wyo.; Mattie Rose, Madrid, Nebr.; and G. C. Gibson, Trenton, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 26, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27491. Adulteration of cream. U. S. v. Fourteen 5-Gallon Cans, Two 8-Gallon Cans, and Ten 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40321. Sample no. 47876–C.)

This product was found to be decomposed or filthy, or both.

On July 17, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 cans of cream at Trinidad, Colo., alleging that the article had been shipped in interstate commerce on or about July 12, 1937, in various shipments by Frank E. Pelt, Guy, N. Mex.; Arthur Johnson, Turkey, Tex.; H. L. Wells, New Castle, Tex.; F. E. Kepley, Farwell, Tex.; R. H. Thomas, Solano, N. Mex.; Geo. E. Mason, Wildorado, Tex.; Lewis Harvey, Happy, Tex.; C. E. Sweatt, Memphis, Tex.; W. M. Morris, Kirkland, Tex.; Mrs. Frank Hair, Olton, Tex.; T. J. Hermarm, Mosquero, N. Mex.; W. E. Hehns, Gasoline, Tex.; E. A. Stone, Garden City, Kans.; L. H. Koenig, Amarillo, Tex.; Salla C. Reeder, Corona, N. Mex.; L. J. Waide, Texline, Tex.; T. J. Talley, Hedley, Tex.; F. J. Henderson, Logan, N. Mex.; Paul W. Long, Guy, N. Mex.; E. N. Fisher, Stanley, N. Mex.; H. B. Bagwell, Claude, Tex.; S. B. Taylor, Happy, Tex.; H. G. Hill, Turkey, Tex.; George W. Bruce, Childress, Tex.; C. A. Parker, Woodward, Okla.; and O. M. Wood, Hatch, N. Mex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 17, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27492. Adulteration of cream. U. S. v. Eight 5-Gallon Cans, One 8-Gallon Can, and Six 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40322. Sample no. 47877–C.)

This product was found to be decomposed or filthy, or both.

On July 17, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cans of cream at Trinidad, Colo., alleging that the article had been shipped in interstate commerce on or about July 13, 1937, in various shipments by C. A. Williams, Stanley, N. Mex.; E. L. Simpkins, Vernon, Tex.; L. C. Tirus, Hedley, Tex.; F. E. Hardy, Lamesa, Tex.; Lee McMurty, Tulia, Tex.; O. L. Corbin, Claude, Tex.; O. S. Hunter, Hamlin, Tex.; Lauren Laullin, Adrian, Tex.; W. O. Stewart, Canyon, Tex.; F. W. Hull, Post, Tex.; A. A. Head, Hereford, Tex.; J. T. Mulken, Chillicothe, Tex.; A. N. Arnn, Littlefield, Tex.; John D. Heins, Burkburnett, Tex., and Joseph Rhyne, Roy, N. Mex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 17, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27493. Adulteration of cream. U. S. v. Ten 5-Gallon Cans, Three 8-Gallon Cans, and Two 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40323. Sample no. 47878–C.)

This product was found to be decomposed or filthy, or both.

On July 17, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cans of cream at Trinidad, Colo., alleging that the article had been shipped in interstate commerce on or about July 14, 1937, in various shipments, by W. F. Ramming, Iowa Park, Tex.; C. E. Mullin, Nara Visa, N. Mex.; G. R. Grant, Clarendon, Tex.; John F. Sirns, Clarendon, Tex.; Alba Shores, Goodnight, Tex.; C. T. Danner, Happy, Tex.; Wasson S. Price, Plainview, Tex.; Henry Evans, Tulia, Tex.; Ed Boggess, Friona, Tex.; J. H. Holly, Happy, Tex.; R. D. Bryant, Plainview, Tex.; J. G. Tomkins, Hayden, N. Mex.; Ernest Turner, Gallina, N. Mex.; and T. A. Weishaar, Taylor Springs, N. Mex, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 17, 1937, the consignee having admitted the allegations of the libel and consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27494. Adulteration of cream. U. S. v. Four 10-Gallon Cans, Two 8-Gallon Cans, and Eight 5-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40324. Sample no. 48026–C.)

This product was found to be decomposed or filthy, or both.

On July 9, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 7, 1937, in various shipments by Floyd Hogue, Alliance, Nebr.; O. B. Benson, Woodruff, Kans.; Lon Romine, Palisade, Nebr.; Mrs. Charles Davidson, Custer, S. Dak.; Lloyd Wilbourn, Callaway, Nebr.; Clarence Hoffman, Modoc, Kans.; Charles C. Callam, Dodge City, Kans.; R. B. Renker, Clayton, N. Mex.; Mrs. Andrew Scheer, Garden City, Kans.; John William Soodsma, Prairie View, Kans.; Leo Hahn, Jennings, Kans.; Mrs. Mary McGee, Sharon Springs, Kans.; and Cooperative Marketing Association, Wheatland, Wyo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 9, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27495. Adulteration of cream. U. S. v. One 5-Gallon Can of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40325. Sample no. 48027–C.)

This product was found to be decomposed.

On July 9, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 7, 1937, by W. R. Kohler, from Roscoe, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 9, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27496. Adulteration of cream. U. S. v. One 10-Gallon Can of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40326. Sample no. 48028–C.)

This product was found to be decomposed.

On July 12, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 8, 1937, by the Grant Produce Co., from Grant, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 12, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27497. Adulteration of cream. U. S. v. Two 10-Gallon Cans, One 8-Gallon Can, and Four 5-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40327. Sample no. 48029–C.)

This product was found to be in various stages of decomposition or filthy, or both decomposed and filthy.

On July 12, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 8, 1937, in various shipments by Irey Loftus, Hart, Tex.; John Bonifas, Roseland, Nebr.; Seymore J. Harrison, Horse Shoe Bend, Idaho; August Uhl, Moorcroft, Wyo.; Otto Christenson, Lodgepole, Nebr.; Harry Keith, Penokee, Kans.; and George D. Bremer, Dresden, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 12, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27498. Adulteration of cream. U. S. v. Two 10-Gallon Cans, One 8-Gallon Can, and One 5-Gallon Can of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40328. Sample no. 48032–C.)

This product was found to be in various stages of decomposition.

On July 15, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 9, 1937, in various shipments by A. R. Thompson, Ogallala, Nebr.; C. W. Mount, Broadwater, Nebr.; Frank G. Meier, Lorenzo, Nebr.; and William H. Schuler, Dalton, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 15, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27499. Adulteration of cream. U. S. v. One 5-Gallon Can of Cream and Two 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40329. Sample no. 48033–C.)

This product was found to be in various stages of decomposition.

On July 22, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 9, 1937, in part by R. B. Davidson from Dumas (P. O. Channing) Tex., and in part by Glen L. Horney from Brewster, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 22, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27500. Adulteration of cream. U. S. v. Two 10-Gallon Cans, One 8-Gallon Can, and Six 5-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40330. Sample no. 48035–C.)

This product was found to be in various stages of decomposition.

On July 15, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 9 and July 10, 1937, in various shipments by Ray H. Pilgrim, McCammon, Idaho; Frank Horesky, Norton, Kans.; Pete Svalina, Moorcroft (P. O. Oshoto), Wyo.; H. M. Weller, Sharon Springs, Kans.; Sunrise Creamery, Cheyenne, Wyo.; Paul Kleinknecht, Cozad, Nebr.; M. W. Coffin, Dodge City, Kans.; James H. Walkenshaw, Syracuse, Kans.; and Mrs. Charles Davidson, Custer, S. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 15, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27501. Adulteration of cream. U. S. v. Three 10-Gallon Cans and One 5-Gallon Can of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40331. Sample no. 48036–C.)

This product was found to be in various stages of decomposition.

On July 15, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4 cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 10 and July 11, 1937, in various shipments by Clyde F. Grim, Harrison, Nebr.; Equity Cream Station, Bridgeport, Nebr.; and J. K. Frazier, Peacock, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 15, 1937, the consignee having admitted the allegations of the libel and consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27502. Adulteration of cream. U. S. v. One 10-Gallon Can of Cream. Consent decree of condemnation and destruction. (F. & D. no. 40332. Sample no. 48037–C.)

This product was found to be decomposed.

On July 21, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about July 10, 1937, by Hartley Merc. & Groc. Co., from Hartley, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 21, 1937, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27503. Adulteration of butter. U. S. v. Armour & Co. (Armour Creameries). Plea of guilty. Fine, $200. (F. & D. no. 38610. Sample nos. 5094–C, 11603–C.)

This case involved butter that contained less than 80 percent by weight of milk fat.

On December 16, 1936, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation, having a place of business at Fargo, N. Dak., alleging shipment by said company, under the name of Armour Creameries, in violation of the Food and Drugs Act, on or about July 27, 1936, from the State of North Dakota into the State of Massachusetts of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On February 8, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $200.

M. L. Wilson, *Acting Secretary of Agriculture.*

27504. Misbranding of canned cherries. U. S. v. 67 Cases of Canned Cherries. Product ordered released under bond to be relabeled. (F. & D. no. 39241. Sample no. 28920–C.)

This product failed to conform to the standard established for canned cherries by this Department, because it was packed in water and was not labeled to indicate that it was substandard.

On April 1, 1937, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 67 cases of canned cherries at Great Falls, Mont., alleging that the article had been shipped in interstate commerce on or about September 4, 1936, by the California Packing Corporation from Yakima, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Baronet Brand Pitted Red Sour Cherries Packed for the Cress Packing Co., San Francisco, Calif."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the cherries were packed in water and the package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On June 7, 1937, the Cress Packing Co. having appeared as claimant, judgment was entered ordering that the product be released to the claimant under bond, conditioned that it be relabeled to show that it was substandard.

M. L. Wilson, *Acting Secretary of Agriculture.*

27505. Misbranding of corn gluten feed. U. S. v. Corn Products Refining Co. Plea of guilty. Fine, $50. (F. & D. no. 39451. Sample no. 2080–C.)

This product contained a smaller percentage of crude protein than, declared on the label.

On May 19, 1937, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against the Corn Products Refining Co., a corporation, trading at Kansas City, Mo., alleging shipment by said company in violation of the Food and Drugs Act on or about September 2, 1936, from the State of Missouri into the State of Texas of a quantity of corn gluten feed that was misbranded. The article was labeled in part: "Buffalo Corn Gluten Feed Manufactured by Corn Products Refining Co. New York, Guaranteed Analysis: Crude Protein not less than 25.00 Per cent."

The article was alleged to be misbranded in that the statement, "Guaranteed Analysis: Crude Protein not less than 25.00 Per cent", was false and misleading and was borne upon the label so as to deceive and mislead the purchaser, since the article contained less than 25 percent of crude protein, namely, not more than 21.72 percent.

On June 19, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

M. L. Wilson, *Acting Secretary of Agriculture.*

27506. Adulteration of canned tomato puree. U. S. v. 22¼ Cases and 11¼ Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 38563. Sample no. 4960–C.)

This product contained filth resulting from worm infestation.

On November 19, 1936, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33½ cases of canned tomato puree at Champaign, Ill., alleging that it had been shipped in interstate commerce on or about October 23, 1936, by the Everitt Packing Co. from Underwood, Ind., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Library Brand Puree * * * Packed for Eisner Grocery Co., Champaign, Ill." The remainder of the product was unlabeled.

The article was alleged to be adulterated in that it contained worm debris.

On February 3, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27507. Adulteration of canned salmon. U. S. v. New England Fish Co. Plea of guilty. Fine, $256 and costs. (F. & D. no. 38022. Sample nos. 67035–B, 67036–B, 67043–B to 67048–B, incl.)

This case involved canned salmon that was in part decomposed.

On February 18, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the New England Fish Co., a corporation, having a place of business at Pillar Rock, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 13, 15, 18, 20, 22, and July 18 and 19, 1935, from the State of Washington into the State of Oregon of quantities of canned salmon that was adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 30, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $256 and costs.

M. L. Wilson, *Acting Secretary of Agriculture.*

27508. Adulteration of canned salmon. U. S. v. 255 Cases, et al., of Canned Salmon. Decrees of condemnation. Product released under bond for segregation and destruction of decomposed portions. (F. & D. nos. 37711, 37738. Sample nos. 55189–B, 55190–B, 55191–B, 55198–B.)

These cases involved canned salmon that was in part decomposed.

On May 5 and May 15, 1936, the United States attorney for the Eastern District of Michigan, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 905 cases of canned salmon at Detroit, Mich., alleging that it had been shipped in interstate commerce by the New England Fish Co. in part on or about February 26, 1936, from Portland, Oreg., and in part through the agency of the Luckenbach Steamship Co. from New York on or about April 2, 1936, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Advance Brand Columbia River Salmon * * * Packed and Guaranteed by New England Fish Company, Seattle, Washington." The remainder was labeled in part: "Seacraft Brand Columbia River Salmon."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On July 7, 1937, the New England Fish Co., Seattle, Wash., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that the portion unfit for human consumption be destroyed, and the portion fit for human consumption be reprocessed and labeled "Reprocessed."

M. L. WILSON, *Acting Secretary of Agriculture.*

27509. Adulteration of crab meat. U. S. v. 45 1-Pound Cans and 24 1-Pound Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 40085. Sample no. 42237–C.)

This case involved crab meat that contained filth.

On July 23, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 pound cans of crab meat at Baltimore, Md., alleging that it had been shipped in interstate commerce on or about July 21, 1937, by the Sanitary Crab Co. from Colonial Beach, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 24, 1937, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27510. Adulteration of crab meat. U. S. v. 253 Pounds, et al., of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 40196, 40197, 40200. Sample nos. 67381–C, 67467–C, 67472–C.)

These cases involved crab meat that contained filth.

On August 12, 13, and 14, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 408 pounds of crab meat at Philadelphia, Pa., alleging that it had been shipped in interstate commerce on or about August 10 and 11, 1937, by George O. Powley Co., from Wingate, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On August 30 and September 10, 1937, no claimant having appeared, judgments of condemnation were entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27511. Adulteration of crab meat. U. S. v. 1 Barrel, et al., of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 40087, 40089, 40091. Sample nos. 48207–C, 48209–C, 48217–C.)

These cases involved crab meat that contained filth.

On July 22, 23, and 30, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2 barrels of crab meat at Philadelphia, Pa., and 76 cans of crab meat at Easton, Pa., alleging that the article had been shipped in interstate commerce, in various shipments on or about July 20, 21, and 28, 1937, by O. R. Mills Fisheries, from Seaford, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On August 9, 16, and 30, 1937, no claimant having appeared, judgments of condemnation were entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27512. Adulteration of crab meat. U. S. v. 13 1-Pound Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 40194. Sample no. 67379–C.)

This case involved crab meat that contained filth.

On August 12, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cans of crab meat at Philadelphia, Pa., alleging that it had been shipped in interstate commerce on or about August 9, 1937, by A. B. Harris from Oxford, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On August 30, 1937, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27513. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 40093. Sample no. 67440–C.)

This case involved crab meat that contained filth.

On August 5, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 2, 1937, by W. C. Larrimore, St. Michaels, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On August 30, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27514. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 40088. Sample no. 48208–C.)

This case involved crab meat that contained filth.

On July 22, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Lancaster, Pa., alleging that the article had been shipped in interstate commerce on or about July 20, 1937, by V. S. Lankford & Co. from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On August 9, 1937, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27515. Adulteration of crab meat. U. S. v. 60 1-Pound Cans of Special Lump Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 39911. Sample no. 50653–C.)

This case involved crab meat that contained filth.

On June 11, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 pound cans of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 8, 1937, by the J. H. Pelham Co., from Pascagoula, Miss., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On July 15, 1937, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27516. Adulteration of crab meat. U. S. v. 100 Pounds of Crab Meat (and 3 other seizure actions.) Default decrees of condemnation and destruction. (F. & D. nos. 40195, 40199, 40201, 40212. Sample nos. 47070–C, 67380–C, 67471–C, 67474–C.)

These cases involved crab meat that contained filth.

On August 13, 14, and 19, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 410 pounds of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce in various shipments on or about August 10, 11, and 16, 1937, by Meredith & Meredith from Wingate, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On August 30 and September 10 and 13, 1937, no claimant having appeared, judgments of condemnation were entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27517. Adulteration of crab meat. U. S. v. 2 Barrels, et al., of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 40109, 40119. Sample nos. 41992–C, 41997–C.)

These cases involved crab meat which contained filth.

On August 12 and August 13, 1937, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of four barrels and eight 5-pound cans of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about August 9, 1937, by the Tilghman Packing Co., from Tilghman, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 14 and 16, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27518. Adulteration of crab meat. U. S. v. 1 Barrel, et al., of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 39669, 39674. Sample nos. 43470–C, 43474–C.)

These cases involved crab meat that contained filth.

On May 28 and June 1, 1937, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of three barrels of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce, in part on or about May 25, and in part on or about May 28, 1937, by the Southern Fish & Oyster Co., from Mobile, Ala., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On July 19, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered disposed of in such manner as would not violate the provisions of said act.

M. L. WILSON, *Acting Secretary of Agriculture.*

27519. Adulteration of crab meat. U. S. v. 1 Barrel, et al., of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 39686, 39688. Sample no. 21579–C.)

These cases involved crab meat that contained filth.

On June 3 and June 4, 1937, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2 barrels and 22 cans of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about June 1, 1937, by the Morgan City Fishery from Morgan City, La., and charging adulteration in violation of the Food and Drugs Act.

It was alleged to be adulterated in that it consisted of a filthy animal substance.

On July 19, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered disposed of in such manner as would not violate the provisions of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

27520. Misbranding of olive oil. U. S. v. 76 Cans of Olive Oil. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 39582. Sample no. 32903–C.)

This case involved olive oil that was short in volume.

On May 13, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 cans of olive oil at Portland, Oreg., alleging that it had been shipped in interstate commerce on or about September 30, 1936, and February 10, 1937, by G. Granucci & Sons from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Full Gallon Gold Label

Virgin Olive Oil * * * Imported & Distributed by G. Granucci & Sons San Francisco."

It was alleged to be misbranded in that the statement "One Full Gallon", borne on the can label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in volume; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On May 28, 1937, G. Granucci & Sons having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

M. L. Wilson, *Acting Secretary of Agriculture.*

27521. Adulteration of crab meat. U. S. v. 44 1-Pound Cans of Claw Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 39858. Sample no. 50604–C.)

This case involved crab meat that contained filth.

On June 4, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 pound cans of claw crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 1, 1937, by John's Fish Market from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On July 15, 1937, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27522. Adulteration of crab meat. U. S. v. One Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 40202. Sample no. 37563–C.)

This case involved crab meat that contained filth.

On August 18, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 10, 1937, by the J. M. Clayton Co., from Cambridge, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 3, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27523. Adulteration of crab meat. U. S. v. 50 Pounds of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 40198. Sample no. 67468–C.)

This case involved crab meat that contained filth.

On August 12, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 pounds of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 10, 1937, by Coulbourn & Jewett, from St. Michaels, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On August 12, 1937, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27524. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 40086. Sample no. 48205–C.)

This case involved crab meat that contained filth.

On July 22, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of one barrel of crab meat at Reading, Pa., alleging that the article had been shipped in interstate commerce on or about July 20, 1937, by the Hampton Crab Co., from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On August 9, 1937, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

27525. Adulteration of raisins. U. S. v. 23 Cases and 100 Cases of Raisins. Default decrees of condemnation and destruction. (F. & D. nos. 39365, 39374. Sample nos. 32199–C, 42005–C.)

This product contained hydrocyanic acid in an amount which might have rendered it injurious to health.

On April 12 and April 14, 1937, the United States attorneys for the Northern District of West Virginia and the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 23 cases of raisins at Clarksburg, W. Va., and 100 cases of raisins at Norfolk, Va,, alleging that they had been shipped in interstate commerce by Libby, NcNeill & Libby, in part on or about October 28, 1936, from Oakland, Calif., and in part on or about February 15, 1937, from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "Libby's California Fruit Seeded Muscat [or "Midget Bakers Thompson Seedless"] Raisins, Packed in California by Libby, McNeill and Libby."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, namely, hydrocyanic acid, which might have rendered it injurious to health.

On July 13 and October 14, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT NOS. 27401–27525

[1] Contains findings of fact.

U. S. GOVERNMENT PRINTING OFFICE: 1937

N. J., F. D. 27526–27575 Issued January 1938

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

27526–27575

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 24, 1937]

27526. Adulteration and misbranding of Moone's Emerald Oil. U. S. v. International Laboratories, Inc., and Frederick W. Clements. Tried to the court and a jury. Verdict of guilty. Fine, $1,000 against each defendant of which $500 was suspended as to each. (F. & D. No. 36975. Sample Nos. 38380–B, 38398–B, 38399–B.)

The labeling of this product bore false and misleading misrepresentations regarding its alleged effectiveness as a germicide, and circulars accompanying certain shipments bore false and fraudulent claims regarding its curative and therapeutic effects.

On May 11, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the International Laboratories, Inc., and Frederick W. Clements, president, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about April 15, 1935, from the State of New York into the State of Pennsylvania, and on April 19, 1935, from the State of New York into the State of New Jersey of quantities of Moone's Emerald Oil which was adulterated and misbranded. The article was labeled in part: "Moone's Emerald Oil * * * International Laboratories, Inc., Rochester, N. Y."

Analyses of samples showed that the article consisted essentially of a mixture of oil of sassafras, camphor, methyl salicylate, resorcinol, and benzoic acid, and probably oil of camphor and eucalyptol. Bacteriological tests showed that it was not a germicide.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold since it was represented to be a germicide; whereas it was not a germicide.

It was alleged to be misbranded in that the statement "Germicide," borne on all cartons and on a portion of the bottle labels, was false and misleading since said statement represented that it was a germicide, whereas it was not a germicide. Misbranding was alleged with respect to the product involved in two of the shipments for the further reason that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing in a circular enclosed in the cartons, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for transitory forms of lameness and stiffness of the joints, for muscle, joint, and nerve conditions, toe itch, and varicose or swollen veins; and effective as an antiseptic dressing for ulcered conditions; and effective to aid nature to retract the distended tissues of the vein walls in varicose or swollen veins.

On May 18, 1937, the case came on for trial before the court and a jury. The trial was concluded on May 21, 1937, and the case was submitted to the jury with the folowing charge:

KNIGHT, *District Judge:* Gentlemen of the jury, you have listened with good attention to this trial which has consumed quite some length of time. It is not an easy matter for the layman to distinguish the difference or the effect of the various charges laid in this Information. I want to present them to you as clearly as I can, to aid you to reach a determination under the evidence in this case.

The International Laboratories, Inc., is a corporation organized and existing under the laws of the State of New York. Its principal place of business is in Rochester, in this State. Frederick W. Clements is president of the International Laboratories, Inc. This corporation manufactures and sells a product known as Moone's Emerald Oil. This product has been manufactured and sold in interstate commerce for some years.

The Information laid against these Defendants involves the seizure of two shipments of this product by International Laboratories, Inc., from Rochester, N. Y., to Easton, Pa., under date of April 15, 1935, and a shipment of its product from Rochester, N. Y., to Trenton, N. J., under date of April 19, 1935.

This suit is instituted by Information laid against these Defendants, charging the commission of acts in violation of the Food and Drug statute of the United States. The Information itself is no evidence of the crime charged. It may be described as being in the nature of a pleading by which the Defendant, Court, and jury are informed of the charge laid.

In the instant case, as in all criminal cases, the duty rests upon the Government to establish the guilt of the Defendant beyond a reasonable doubt. Reasonable doubt means such doubt as arises in the mind of the juror after he has carefully considered all of the evidence in the case. It must be a doubt which is based upon reason, not on caprice, not on the will to acquit or convict outside of the record, not on prejudice, not on favor. If you find the evidence satisfies you beyond a reasonable doubt of the guilt of the Defendant or Defendants, it is your duty to convict; if not, it is your duty to acquit as to the count concerning which you find such reasonable doubt. On the other hand, the reverse is true if you find the Defendants guilty. If the guilt of the Defendants has not been established beyond a reasonable doubt, you will acquit. A presumption of innocence runs through the trial of a criminal charge in favor of any Defendant. This presumption must be overcome by evidence. The presumption is overcome by evidence if you find the Defendant, or Defendants, guilty of the crime charged beyond a reasonable doubt. With this understanding of certain rules of law, let us consider the charges laid and some of the evidence bearing on these charges and the method of consideration to determine whether or not the charges have been sustained.

The pertinent statutes and regulations applicable to this case are these:

"The introduction into any State * * * from any other State * * * of any article * * * or drugs which is adulterated or misbranded within the meaning of that term as defined by statute is prohibited; and any person who shall ship * * * from any State * * * to any other State * * * in original unbroken packages, for pay or otherwise, * * * any such article * * * is guilty of the offense charged. An article shall be deemed to be adulterated * * * if its strength or purity fall below the professed standard or quality under which it is sold."

Further, "the term 'drug' * * * shall include all medicines and preparations * * * and any substance or mixture or substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term 'misbranded' * * * shall apply to all drugs, * * * the package or label of which shall bear any statement, * * * regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular," and further, in case of drugs, "If its package or label shall bear or contain any statement * * * regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent."

This Information, as you are informed, is laid against the Defendant Clements who is an officer of the corporation. The statutes with respect to him provide: "When construing and enforcing the provisions of Sections 1 to 15 inclusive of this title (including the sections hereinbefore referred to), the act, omission, or failure of any officer, * * * acting for or employed by any corporation, * * * within the scope of his employment or office, shall in every case be also deemed to be the act * * * of such corporation, * * * as well as that of the person."

Eight separate counts are presented for your consideration. Each count charges a separate offense. You will consider each count separately and make your findings specifically as to each count. It is also necessary that you distinguish them clearly; I call to your mind that the Information as originally laid included thirteen counts. Five of those counts have been dismissed upon the motion of the Government and leaves for your consideration, as I have

stated, eight counts; and in the order in which they are numbered in the Information, count six is the first one for your consideration.

Count six in the Information charges shipment of Moone's Emerald Oil by the Defendants to the Mercer Wholesale Drug Company under date of April 19, 1935, and alleges adulteration in that the article shipped was represented to be a germicide, whereas in fact it was not a germicide.

Count seven charges a violation of the statute of misbranding in that the shipment under date of April 19, 1935, aforesaid bore a label attached to the bottles with the word "germicide" and represented that it was a germicide; whereas in truth and fact it was not a germicide.

Count eight charges shipment from Rochester, N. Y., to Trenton, N. J., on or about April 19, 1935, of a number of bottles containing this product and that the description on the bottles, cartons, and circulars in effect contained false statements as regards the therapeutic or curative effect of said product; and it further alleges that the statements were false and fraudulent; that they were made in reckless and wanton disregard of the truth.

Count nine charges that a shipment of April 15, 1935, contained drugs which were adulterated in that they fell below the standard and quality under which it was sold; that it was represented to be a germicide, whereas in truth and in fact it was not.

Count ten charges that the bottles of Moone's Emerald Oil in the shipment of April 15, 1935, were misbranded in that the cartons represented that the article therein was a germicide; whereas in fact it was not.

Count eleven charges that a shipment of April 15, 1935, to Easton, Pa., was misbranded in that it was represented that the article was composed of ingredients or medicinal agents effective "as a treatment, remedy, and cure for transitory forms of lameness and stiffness of the joints, muscle, joint and nerve conditions, toe itch, and varicose or swollen veins"; that it was effective as an aid and antiseptic to retract the distended tissues of the vein walls in varicose or swollen veins; whereas in truth and in fact, it did not contain ingredients effective for these purposes; that these statements were knowingly and falsely made.

Count twelve charges that the shipment of April 15, 1935, to Easton, Pa., was a shipment of adulterated drugs within the meaning of the statute, in that it fell below the professed standards; that it was represented to be a germicide; whereas in truth and in fact it was not such.

And finally, count thirteen charges in regard to a shipment of April 15, 1935, to Easton, Pa., that the drugs therein contained were misbranded in that it represented that the same was a germicide, whereas in truth and in fact they were not.

More succinctly stated, count six charges adulteration through false representation that the product was a germicide; count seven charges misbranding in stating that it was a germicide; count eight charges misbranding as regards the therapeutic or curative effect of the product in question; count nine charges adulteration in that it fell below standard, in that it was falsely represented to be a germicide; count ten charges misbranding in the use of the word "germicide"; count eleven charges false representation as regards therapeutic and curative effect of the shipment of April 15, 1935; count twelve charges adulteration as to the shipment of April 15, 1935, in that the article was represented to be a germicide; and count thirteen charges misbranding in designating the article as a germicide.

Under the Federal Food and Drugs Act, the term "drug" includes any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of mankind and animals. The act, omission or failure on the part of the Defendant Clements while acting in behalf of the defendant corporation within the scope of its employment, is deemed in law the act of the corporation, and the acts of the corporation itself as such are equally the acts of an officer who conducts the management of said corporation.

The products in question were shipped in cartons, together with certain descriptive matter. These cartons and the bottles contain, among other things, labels which describe the product in these words: "Clean, powerful, penetrating oil that promotes healing. Apply externally—full strength—two or three times a day and oftener if necessary. * * * Moone's Emerald Oil for external use, Antiseptic Germicide Deodorant." Enclosed in the cartons with the bottles were two circulars. These circulars describe the product as "an effective surgical assistant in those more serious conditions where its values are recommended.

Its deodorant character makes it valuable as a comforting analgesic in stubborn irritated conditions attended by profuse suppuration. Clean, potent, and penetrating, Emerald Oil is highly antiseptic under continued application in form of wet dressings, promoting healthful healing with rapidity even in some of the most stubborn cases. Free use of Emerald Oil upon tender, affected parts relieves pain and promotes the formation of new and healthy skin. * * * While Emerald Oil is not a cure for varicose veins, it is a strengthening help, because it is penetrating and antiseptic. * * * Varicose ulcers—when due only to enlarged veins and not to any systemic disease: Emerald Oil is antiseptic and its penetrating quality makes it of particular value in varicosities and other forms of irritation of a chronic or semi-chronic nature, as well as where the skin break is fresh. * * * As an antiseptic and deodorant in chronic disease: Thus even in conditions of incurable disease where relief is the measure sought and the most that can be expected, even under medical attention of the highest skill; the use of Emerald Oil as an antiseptic, deodorant, and cleaner, may prove a veritable godsend. * * * Because toe itch is a fungus disease rather than a germ infection, it often happens that the more common types of antiseptic do not reach and destroy the cause of the trouble. Emerald Oil appears to be particularly fitted to eliminating the trouble as is soon discovered."

Now, it may be necessary to know and it may be helpful to give some definitions of these several terms: Antiseptic, germicide, therapeutic, and curative. Antiseptic, as I understand it, is something that is used for the purpose of preventing the introduction of germs. Germicide, is something which destroys germs. It is conceded that this product is a germicide to some extent. That is, that it may destroy germs under certain conditions and after a certain length of exposure. The claim of the Government, and I so charge you, is, that the word "germicide," as used in this circular or descriptive matter, is to be construed in the light of the purpose to which this circular and this descriptive matter is directed. I mean by that, this: That a germicide, as the definition is to be placed upon it by you, is such as will kill germs sufficiently to carry out the purpose designated to be carried out by this circular. In other words, it must be a germicide under the conditions stated in the label. In connection with that, I call your attention to a particular part of the Government's testimony that this germicide will not kill certain germs described in this descriptive matter within an hour and thirty minutes, and on the other hand, this circular says it will destroy germs within ten minutes after application.

Therapeutic means having a quality tending to cure. Curative has the same meaning. You will observe that the labels and descriptive circulars contain other representations with reference to this particular product. Whether portions of such are truthful statements is immaterial, if it is found that there are other statements which are false. If you find beyond a reasonable doubt that these labels or cartons contain any statement relative to therapeutic or curative qualities which are known to be false and fraudulent, then you should find the Defendant or Defendants guilty of the charge set forth in the counts of said Information wherein said false and fraudulent statements are charged. In other words, assuming that all of the claims in these labels, cartons, and circulars are true save and except one claim, if said one claim be false and fraudulent and if you find it was made with intent to defraud, or with reckless and wanton disregard of the truth, you will find the Defendants and each of them guilty as charged, as respects such specific claim.

A distinction is to be made with reference to these various counts and the proof requisite to support them. Some of these counts charge adulteration by misbranding and some charge misbranding and others charge false and fraudulent misrepresentations made as to the therapeutic and curative powers of this product. As to the counts as to misbranding and adulteration the question of intent is immaterial. I mean by that, this: It is not necessary to find that the Defendants intended to misbrand or intended to put out an adulterated product. It is sufficient to find, that it was transported in interstate commerce, because the law prohibits the shipment in interstate commerce of misbranded products. This, of course must be found beyond a reasonable doubt.

As regards the other counts in the Information which relate to the therapeutic and curative powers of this product, the charge laid is that these Defendants, each of them, falsely and fraudulently represented that it had certain medicinal and curative properties. The charge, you will bear in mind, is fraudulent representations. In that case, intent is a necessary element in this charge.

Now, intent in itself implies knowledge. Knowledge is imputed to the corporation through the knowledge of its President. Knowledge of the Defendant Clements is to be found from the evidence in the case from his own acts, statements, and conclusions to be drawn therefrom. In this regard, is also to be said that wanton and reckless misrepresentation with intent to defraud has the same force and effect in law as false and fraudulent representation. The thing to be borne in mind, in distinguishing this, is that one does not require you to show that the acts were done with the intent to violate the law, while the other requires acts were done falsely and fraudulently with intent. You will determine the question of intent and the question of knowledge from all of the evidence in the case. Now, we cannot look into the human mind and see just what is not or just what is the intention of an individual. It can seldom be proven by direct evidence. Intent ordinarily must be determined from the facts and circumstances in each particular case. So it is for you to say from all of the evidence in the case whether these Defendants intended falsely and fraudulently to transport or wantonly and recklessly, with knowledge of its qualities, transported this product in interstate commerce. No question is raised here but that the preparation mentioned in these counts was transported in interstate commerce. The question for your determination is whether this product, known as Moone's Emerald Oil, comes within the prohibition of the statutes heretofore mentioned.

Aside from the testimony of Mr. Clements, a large part of the testimony offered by the Government and the Defendant has come from so-called expert witnesses, and they are sometimes called opinion witnesses. They are called to give their opinion as regards certain questions based upon their own study and investigations. It is unnecessary for me to detail this testimony, but I shall call your attention only briefly to the subject of the testimony of each, leaving out reference to any witnesses concerning whose testimony there is no contradiction.

On behalf of the Government, Mr. Hart, a chemist, Mr. Brewer, bacteriologist, Professor Kutti, Assistant Professor of Bacteriology, Dr. Houghton, Dr. McKinistry, Dr. Rapp, dermatologist, and Dr. Winslow, have testified regarding the properties of the product in question and their uses and effect. Dr. Hart testified as to the chemical analysis of the component parts. Dr. Brewer testified that this product is not a germicide, in the sense that it will kill germs in a sufficiently short time. Professor Kutti, Dr. Houghton, Dr. McKinstry, Dr. Rapp and Dr. Winslow, each of them testified in substance that this product has no therapeutic or curative properties in the treatment of varicose veins, and some or all of them testified that it not only was not beneficial, but that its use was harmful.

For the Defendant, chemists Seil and Baker testified as to the chemical analysis made of the product which the Defendants claim was sold and that it is a germicide. The testimony on the part of the Government is that this product is not a germicide in the use employed and, on the other hand, Baker testified that it is. It was claimed by the Defendant that this product is useful or has therapeutic value in the treatment of varicose veins and varicose ulcers, and the Defendant testified to his own experience and its use by his sister. It is further claimed by the Defendant that it has therapeutic value in the treatment of varicosis by reason of the nature of its effect upon the vein when applied externally under bandage.

I have read to you the pertinent statements on the labels, cartons, and circulars. In construing the meaning intended to be conveyed, you are to give them the meaning which the words or language mean to you; those which you ordinarily give to such words and language. You are to determine whether these statements convey to the ordinarily intelligent mind the declaration by the Defendants that this product was a germicide within the definition of that term as you construe it when used in connection with the product and also whether this product has either therapeutic or curative value. As regards the proof that it has curative or therapeutic effects in diseases, it must be borne in mind, of course, that the Defendant or Defendants should be in a position to know what the preparation will do, and they are to be held to good faith in their statements in that regard.

The Food and Drugs Act is designed to protect the public, and so designed, such construction is to be given the phraseology and wording that the ordinary layman who purchases the article would give them, and if you find from the evidence that the Defendants intended to lead the consumer to believe the term "germicide" was used to indicate the product when applied externally in

connection with the position set forth in their advertising would act as a germicide, and if in fact you find that it is not such a product, then the Defendants shall be guilty of adulteration and misbranding. We are not concerned with the question of whether this product is harmless. It is sufficient if you find that the statements are false and fraudulent concerning its curative and therapeutic effect. You will see people may be induced to rely upon the use of it in serious cases to their detriment for lack of some other drug. The same applies to the other counts to which I have called your attention.

Some question has arisen regarding the test of this product. It seems that the Defendant Clements at different times has been in conference with the Federal authorities regarding the description of his product. It is claimed that in November 1934, he discontinued the formula theretofore used, eliminating mineral oil and possibly some other ingredient, and that he used a new formula which contained for the first time, as I understand it, benzoic acid. A Government test, as it claims, was made of five samples, including the shipment to Wilkes-Barre, Pa., and this test, as claimed, substantially conforms to the old formula. The report of the Government agency does not show from what the sample test was taken. If taken from the Wilkes-Barre sample, concededly it would show the old formula. It is the argument of Defendants that this reported test contradicts the test later made of samples included in the preparation. This question of any confusion in this sample only goes, it seems to me, to the credibility of the test itself. There seems to be little substantial difference in the analysis made by Mr. Hart and that made by Mr. Seil. Dr. Hart said the product consists essentially of a mixture of oil of sassafras, camphor, benzoic acid, and probably oil of camphor and oil of eucalyptus. As I recall the testimony of Dr. Seil, the difference is only with respect to the question of the use of oil of eucalyptus or eucalyptus, and as to the question of the oil of sassafras. It is claimed that this difference would materially affect the use or usefulness of the preparation. It is the claim of the Defendant that it is a germicide and that it is, therefore, not adulterated or misbranded. It is the claim of the Defendants, not that it is a cure for varicose veins or muscular aches, pains, and soreness, but that it has therapeutic qualities and is properly described as having such in it that it relieves pain.

The decision in this case is for you. In reaching your decision, you are to take into consideration all of the evidence in the case. And in so considering the evidence, you will take into consideration the witnesses who testified, their appearance upon the stand, their qualifications to testify to the truth, their interest in the matters at issue and any other pertinent facts which appear to you in connection with their testimony. You are to take your own recollection of the testimony, and not mine, where we do not agree. You will remember the testimony of the witnesses as clearly as I do.

No one will gainsay the necessity of laws properly regulating the transportation and sale of drugs calculated to be used for the relief of man or beast. No one questions the proper purpose of such statutes. It is important to require that one selling a drug shall honestly state its qualities. The importance of this case is not to be minimized. It is important that this law should be enforced for the protection of the public. It is also important, of course, that one who is innocent be acquitted. The law does apply to those who violate it. You are to consider this case in the light of all the evidence and without prejudice or fear or favor to anyone. You are to decide it upon your sound judgment.

Consider each of these counts separately as to each of these Defendants. You are to bear in mind these cardinal principles: That as to the question of adulteration and misbranding, the proof that the article was misbranded or adulterated is sufficient within the statute to show there was a violation, without showing intent as to the curative or therapeutic properties of this product, it is necessary to find that representations as to such properties were made knowingly, falsely, and fraudulently and with such intent and knowledge.

With the consent of Counsel, I am going to give you a statement to show what the separate counts are, and you may take them into the jury room with you.

Are there any requests?

Mr. SARACHAN. If your Honor please, the labeling as it appears in Count 1 is different from the labeling as it appeared in the counts at issue, and apparently some of the matters you read about as evidence came from Count I.

The COURT. I see your point.

Mr. Woods. I would like to call you Honor's attention to the fact that Count 1 is incorporated in Count 6 and a material part therefore.

The Court. I think I quoted from Count 6.

Mr. Sarachan. No, I think you read from Count 1.

Mr. Woods. Count 1 on labeling is incorporated in subsequent counts.

The Court. I will go a little further in reference to that.

Mr. Woods. I call your attention to Count 9, which said that the said bottles were labeled and more carefully described in Count 1.

The Court. All right. I have read Count 1 in reference to Count 9, but I will read to you the descriptive matter in Count 6. The confusion arises by the dismissal of some of the counts. Count 6 charges that the label and advertising matter contained these words:

"Moone's Emerald Oil For External Use Only. Home Remedy of Great Usefulness. A clean, powerful, penetrating oil useful as a rub or local application to irritated surfaces or surface wounds. Beneficial in relieving muscular aches, pains and soreness and such common and transitory forms of lameness and stiffness of the joints as are not due to fixed organic disease. Helpful in relief of neuralgic pain, strains and sprains.

"For Bruised Or Broken Surfaces: Emerald oil is antiseptic when used as a quick application, and is highly effective when used as a wet dressing in continued contact with open wounds of minor kind.

"For Muscle, Joint and Nerve Conditions as above described, rub the affected surfaces briskly and keep the parts warm afterward.

"For Toe Itch or So-Called Athlete's Foot, cleanse the parts thoroughly at night before retiring, then apply the oil freely, rubbing it into affected areas, then cover with cloth saturated with the oil and secure in place so this wet dressing will remain in contact with the affected parts over night. Repeat day by day. Shoes and stockings carry the infection, so care must be used not to re-infect from such source. To insure premanency of effect, do not discontinue treatment at first sign of relief, but continue for two or three days.

"For Varicose or Swollen Veins: Emerald Oil is a strengthening help that quickly demonstrates its helpfulness upon use. Penetrating and stimulating, it aids nature to retract the distended tissues of the vein walls that are cause of the trouble.

"While the veins are tubes carrying venous blood back to the heart, it is little understood that the vein walls themselves have arterial circulation like other tissues of the body. These tiny vessels are the vasa vasorum which nourish the veins and strengthen the muscular walls.

"Emerald Oil applied to such surfaces brings new strengthening circulation to these vein walls where circulation has become sluggish, thus aiding toward recovery.

"Where protrusion is marked, protection should be given and this is best accomplished by supporting the parts with a bandage three inches wide and of sufficient length to thoroughly support the area when adjusted. With each turn around the leg, allow the bandage to overlap one-half its width, drawing as tightly as can be worn with comfort. Such a bandage may be worn night and day, or only through the day. In starting to bandage, proceed from below upward, which is the course the blood takes in its venous circulation. Because of the particular and penetrating stimulus possessed by Emerald Oil, its use in connection with bandaging is a strengthening help. Before bandaging, apply Emerald Oil to the skin surface, rubbing gently and upward toward the heart—as blood in the veins flows that way—and keeping the limb as nearly as possible on a level with the body. Rub continuously for several minutes. This treatment should be repeated each time the bandage is applied.

"Where ulcered conditions exist, the oil dressing acts as an antiseptic, keeping the surface clean and sweet and assisting nature to heal the broken places. Aside from comfort and protection, bandaging as above directed, supports the enlarged vein walls while nature under the Emerald Oil treatment gives those walls new strength in direction of normal."

Now, gentlemen, I have referred to this in my charge before. I inadvertently included heretofore a statement of the descriptive matter in Count 1, which is not an issue in this case. After that, my attention was called by Counsel to the fact that Count 9, to which I have also referred, contains this statement: "Said bottles were labeled as more fully described in the first count in this Information."

Is that correct?
Mr. SARACHAN. That is all, your Honor, no further requests.
Mr. WOODS. No further requests.
The COURT. Gentlemen of the jury, you will retire.
(The jury retired at 11:10 a. m.)

(The jury returned to the courtroom at 2:35 p. m. for further instructions.)
The COURT. There is something you gentlemen wanted to ask?
JURY FOREMAN. If the Court please, there is some misunderstanding and we would like it if the Court would give us the definition of the words "healing, permanency and curative."
We would also like to know, if it is found that we find the labeling false, if that is considered misbranding.
The COURT. On the last question, I would answer "Yes." I mean by that, if the label is not in accordance with the facts, you will so find.
Now, on these other definitions, I see no difficulty. You apply to the definition of these terms your common understanding of what these terms are. Curing means one thing; curative is another thing, intending to cure. And of course, curing is something more permanent than curative.
As to permanency, you will use your understanding of the terms as I state them to be.
What is the other word?
JURY FOREMAN. "Healing."
The COURT. The word "healing," I should say, would be tending to heal, something that tends to correct or change, some improvement.
JURY FOREMAN. I think it is quite clear, your Honor.
The COURT. You will apply your understanding of the ordinary meaning of these words, as limited by the charge as made.
Is there anything Counsel have to suggest further?
Mr. WHITE. No, I think you have covered it.
Mr. WOODS. I think your Honor has covered the situation.
The jury again retired and after due deliberation returned a verdict of guilty on all counts. Each defendant was sentenced to pay a fine of $1,000, of which $500 was suspended as to each.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27527. Misbranding of Hain Vegetable Accessory Reducing Food. U. S. v. Harold Hain (Hain Pure Food Co.). Plea of guilty to count 1. Remaining counts dismissed. Fine, $75. (F. & D. No. 36990. Sample No. 26476–B.)

This case involved, among other products, a quantity of Hain Vegetable Accessory Reducing Food the labeling of which bore false and fraudulent representations regarding its curative and therapeutic effects.
On April 29, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harold Hain, trading as Hain Pure Food Co., Los Angeles, Calif., charging in count 1 shipment by said defendant in violation of the Food and Drugs Act as amended, on or about November 19, 1934, from the State of California into the State of Washington of a quantity of Hain Vegetable Accessory Reducing Food which was misbranded. The article was labeled in part: (Can) "Hain Pure Food Co. * * * Los Angeles, Calif."
Analysis showed that the article contained an appreciable amount of seaweed material consisting of thallus tissues closely resembling those of a *Laminaria* type of alga (possibly a species of *Macrocystis*) and the Irish moss type (possibly some species of *Chondrus*), and in addition, nondescript, finely comminuted vegetable tissues, lacking in diagnostic histological elements.
The article was alleged to be misbranded in that certain statements regarding its curative and therapeutic effects, borne on the can label and contained in a circular enclosed in the cans, falsely and fraudulently represented that it would be effective as a reducing food and to supply the mineral equivalent to the requirement of the mineral-starved system; and effective as a normalizer, as a treatment for underweight and overweight, and to build up wasted or torn-down tissues.
On November 16, 1936, the defendant entered a plea of guilty to count 1, and the court imposed a fine of $75. The information contained five other counts

alleging interstate shipment of various products. On September 14, 1937, these five counts were dismissed, on the court's own motion, in view of the prior sentence on count 1.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27528. Adulteration and misbranding of Solution Citrate of Magnesia. U. S. v. National Magnesia Co. of Illinois. Plea of nolo contendere. Fine, $50. (F. & D. No. 37063. Sample No. 56477–B.)

This product was sold under a name recognized in the United States Pharmacopoeia and differed from the standard established by that authority.

On August 10, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Magnesia Co. of Illinois, a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 27, 1935, from the State of Illinois into the State of Indiana of a quantity of Solution Citrate of Magnesia that was adulterated and misbranded. The article was labeled in part: "Hook's Dependable Drug Stores, Effervescing Solution Citrate of Magnesia U. S. P."

It was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein since it contained less than 1.5 grams, namely, not more than 1.27 grams of magnesium oxide per 100 cubic centimeters and the quantity of half-normal sulphuric acid required to neutralize the ash from 10 cubic centimeters of the article was less than 28 cubic centimeters, namely, not more than 25.34 cubic centimeters, whereas the pharmacopoeia provides that solution of magnesium citrate shall contain not less than 1.5 grams of magnesium oxide per 100 cubic centimeters and that 10 cubic centimeters of the solution shall require not less than 28 cubic centimeters of half-normal sulphuric acid to neutralize the ash; and the standard of strength, quality, and purity of the article was not declared on the container. The article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold.

It was alleged to be misbranded in that the statement on the label, "Solution Citrate of Magnesia U. S. P.," was false and misleading since it represented that the article was solution of citrate of magnesia which conformed to the standard laid down in the United States Pharmacopoeia; whereas it was not solution of citrate of magnesia which conformed to the standard laid down in that authority.

On June 28, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27529. Misbranding of mouthwash. U. S. v. 60 Bottles of Mouthwash. Default decree of condemnation and destruction. (F. & D. No. 37729. Sample No. 52878–B.)

The labeling of this product bore false and misleading representations regarding its alleged antiseptic and germicidal properties, and false and fraudulent representations regarding its curative and therapeutic effects.

On May 12, 1936, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 bottles of mouthwash at Beebe, Ark., alleging that the article had been shipped in interstate commerce on or about January 22, 1936, by the Golden Peacock Co., from Paris, Tenn., and charging misbranding in violation of the Food and Drugs Act.

Bacteriological examination showed that it was not antiseptic.

The article was alleged to be misbranded in that the following statements, "Highly antiseptic," "A powerful germ killer," and "Ten times as strong as ordinary antiseptics," were false and misleading. It was alleged to be misbranded further in that said statements regarding its curative or therapeutic effects were false and fraudulent.

On June 29, 1936, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27530. Adulteration and misbranding of ether. U. S. v. 90 Half-Pound Cans of Ether (and eight other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 37808, 39378, 39384, 39385, 39405, 39433, 39542, 39654, 40170. Sample Nos. 62994–B, 5070–C to 5075–C, incl., 9584–C, 18969–C, 18972–C, 18976–C, 20733–C, 27554–C, 33413–C, 38824–C, 39101–C, 39102–C, 39103–C, 43167–C.)

This product differed from the standard established by the United States Pharmacopoeia for ether, some samples having been found to contain peroxide, others aldehyde, and others both peroxide and aldehyde. Rust was found in samples taken from one lot.

On June 15, 1936, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 half-pound cans of ether at Welch, W. Va. Between the dates of April 14 and August 13, 1937, libels were filed against a total of 396 pound cans, 50 half-pound cans, and 885 quarter-pound cans of ether in various lots at Memphis, Tenn., St. Louis, Mo., Chicago, Ill., Los Angeles, Calif., San Francisco, Calif., Boston, Mass., and Syracuse, N. Y. The libels alleged that the article had been shipped in interstate commerce, the lot seized at Welch, W. Va., on or about February 21, 1936, and the remaining lots between the dates of October 16, 1936, and July 30, 1937, by Merck & Co., Inc., in part from Rahway, N. J., into the States of West Virginia, Missouri, Massachusetts, and New York, in part from Chicago into the State of California, in part from St. Louis into the States of Tennessee and Illinois, and in part from New York, N. Y., into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "Ether * * * U. S. P." or "Ether * * * U. S. P. 10."

It was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia and its own standard was not stated on the label.

The article was alleged to be misbranded in that the following statements on the labels, "Ether * * * U. S. P." or "Ether U. S. P. 10," were false and misleading.

On January 25, May 24, June 7, 8, and 10, August 7, September 14, September 16, and October 22, 1937, no claim having been entered for the product, judgments of condemnation were entered and it was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27531. Misbranding of Pyorrhea Specific. U. S. v. Ampere Products Co. and Raoul H. Schille. Pleas of guilty. Each defendant fined $12.50 on count 1 and $100 on count 2; fines on count 2 suspended. (F. & D. No. 37934. Sample No. 43737–B.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects and false and misleading representations regarding its effectiveness as an antiseptic.

On September 24, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ampere Products Co., West Orange, N. J., a corporation, and Raoul H. Schille, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about June 14, 1935, from the State of New Jersey into the State of Massachusetts of a quantity of Pyorrhea Specific which was misbranded. The article was labeled in part: "Pyorrhea Specific * * * Ampere Products Co., West Orange, N. J."

Analysis showed that the article consisted essentially of an aqueous solution of about 0.2 percent of sodium hypochlorite, 3 percent of salt, and a small amount of sodium carbonate. Bacteriological tests showed that it was not antiseptic when used as directed, was not 6.4 times as strong against *Eberthella typhi* as phenol, and was not 5.1 times as strong against *Staphylococcus aureus* as phenol.

The article was alleged to be misbranded in that certain statements borne on the package label and in a circular enclosed therein falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for pyorrhea; as a specific for pyorrhea; and as a treatment for pyorrhea alveolaris, periodontoclasia, ulatrophia, gingivitis, alveolar, and pericementoclasia. The article was alleged to be misbranded further in that the following statements on the label, "Result of Tests of APCO No. 35, Phenol Coefficient was determined by the (F. D. A.) Food and Drug Administration method using as test cultures, Eberthella typhi (Hopkin's strain) Staphylococcus aureus obtained from the

Bacteriological Laboratories of the U. S. Department of Agriculture. Eberthella typhi-phenol Coefficient . . . . . 6.4, Staphylococcus aureus-phenol coefficient . . . . . 5.1," appearing in the circular were false and misleading in that they represented that the article was an antiseptic when used as directed, that it was 6.4 times as strong against *Eberthella typhi* as phenol and 5.1 times as strong against *Staphylococcus aureus* as phenol; whereas it was not an antiseptic when used as directed, it was not 6.4 times as strong against *Eberthella typhi* as phenol, and was not 5.1 times as strong against *Staphylococcus aureus* as phenol.

On June 25, 1937, pleas of guilty were entered on behalf of the defendants. The corporation was sentenced to pay a fine of $12.50 on count 1 and a fine of $100 on count 2, payment of the latter fine being suspended. Raoul H. Schille was sentenced to pay a fine of $12.50 on count 1 and a fine of $100 on count 2. Payment of the fine on count 2 was also suspended as to the defendant Raoul H. Schille and he was placed on probation for a period of 1 year.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27532. Misbranding of Six-ine Pills. U. S. v. 11 Boxes of Six-ine Pills. Default decree of condemnation and destruction. (F. & D. No. 38319. Sample No. 5382–C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On September 21, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 boxes of Six-ine Pills at Lawrenceburg, Ind., alleging that the article had been shipped in interstate commerce on or about July 2, 1936, by the Kells Co., Inc., from Newburgh, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of an iron compound, quinine, strychnine, starch, and calcium carbonate.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent: (Wrapper and box) "A remedy for nervous exhaustion and depression which follows mental or physical fatigue. * * * For the weak, irritable, excitable, conducive to calm and self-control."

On November 28, 1936, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27533. Misbranding of Dr. Goodwin's Herbal Compound. U. S. v. 24 Packages of Dr. Goodwin's Herbal Compound. Default decree of condemnation and destruction. (F. & D. No. 38334. Sample No. 4850–C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On September 24, 1936, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 packages of Dr. Goodwin's Herbal Compound at Fort Smith, Ark., alleging that it had been shipped in interstate commerce on or about January 27 and March 2, 1936, by Dr. F. A. Goodwin from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of plant drugs including a laxative drug, such as senna, and an aromatic drug, such as fennel, with small amounts of potassium and sodium salts.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent: (Package label) "In Treatment of Stomach, Liver, Kidneys, Blood, Bladder, Rheumatism, Malaria Chills and Fever."

On June 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27534. Misbranding of Dunlap's Colic Remedy and Dunlap's Antiseptic Liniment. U. S. v. 45 Bottles of Dunlap's Colic Remedy and 91 Bottles of Dunlap's Antiseptic Liniment. Default decree of condemnation and destruction. (F. & D. Nos. 38446, 38447. Sample Nos. 13635-C, 13638-C.)

The labeling of these products bore false and fraudulent representations regarding their curative and therapeutic effects. Both products contained alcohol materially in excess of the amount declared.

On or about October 26, 1936, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 bottles of Dunlap's Colic Remedy and 91 bottles of Dunlap's Antiseptic Liniment, alleging that the articles had been shipped in interstate commerce in part on or about July 9, 1935, and in part on or about February 18, 1936, by the Morna Wright Medicine Co. from Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "The Dunlap Medicine Co., Memphis, Tenn."

Analyses showed that the colic remedy consisted essentially of alcohol (51 percent), water, and small proportions of ether, asafetida, and camphor; and that the antiseptic liniment consisted essentially of alcohol (78 percent), water, and small proportions of chloroform, extracts of plant drugs, ammonia, and volatile oils including sassafras oil and eucalyptol.

The articles were alleged to be misbranded in that the statements in the labeling "Contains 35% alcohol" with respect to the colic remedy and "Contains 55% alcohol" with respect to the antiseptic liniment, were false and misleading since the articles contained a greater percentage of alcohol than declared.

They were alleged to be misbranded further in that the following statements in the labeling, regarding their curative or therapeutic effects, were false and fraudulent: (Colic remedy, bottle) "Colic Remedy for Horses and Mules * * * Warranted to relieve Colic and acts on the Kidneys * * * repeat in 30 minutes if not relieved"; (carton) "Colic Remedy for Horses and Mules * * * You can recommend our Colic Remedy to your customers with our assurance that it will give satisfaction * * * Our Colic Remedy is warranted to give satisfaction. * * * In severe cases it is sometimes necessary to give the second or third dose"; (circular) "For More Than Half a Century thousands of farmers and stockowners, in all parts of the nation, have relied upon Dunlap's Colic Remedy as a thoroughly trustworthy remedy * * * ready-to-use colic remedy that could be kept conveniently at hand for quick use in case of emergency. * * * Dunlap's Colic Remedy was not devised to be sold on the basis of cheapness, but with the sole idea of producing the very best general colic remedy that possibly could be made. * * * Good Reasons for Using Dunlap's Colic Remedy 1. Because it usually acts direct on the Kidneys and Bowels in 15 to 30 minutes, and as a rule relieves Gravel. 2. Because it will strengthen the digestive organs and give the animal a good appetite"; (antiseptic liniment, bottle) "Excellent for Rheumatism, * * * Toothache and Headache. Directions: Adult dose * * * Colic also Diarrhoea, one teaspoonful in a little water, repeat in one hour if not relieved"; (carton) "Recommended for Rheumatism, Neuralgia, Toothache, * * * Colic and Diarrhea * * * Recommended for Colic and Cramps"; (circular) "* * * acts as an antiseptic, both superficially and by absorption into the tissues, and exerts a wholesome relievative influence. It has proved its utility in Rheumatism, Neuralgia, * * * Toothache, Headache, etc. Internally, it is employed with grateful relief in intra-abdominal distress, such as that of Cramps, Colic and Diarrhea. * * * Recommended for Rheumatism, Neuralgia, Toothache, * * * Colic and Diarrhea * * * For Headaches * * * Facial Neuralgia—Bathe over Temples and affected spots full strength. Inhale Liniment Placed on Handkerchief or cloth. For Rheumatism—Apply direct, full strength several times Daily * * * Colic and Diarrhea—Adult Dose, one teaspoonful in a little water, repeat in one hour if not relieved."

On May 25, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27535. Misbranding of Nash's Pain-Go and Nash's Carbolic Salve. U. S. v. 91 Bottles of Nash's Pain-Go and 70 Boxes of Nash's Carbolic Salve. Default decree of condemnation and destruction. (F. & D. Nos. 38450, 38451. Sample Nos. 13636–C, 13637–C.)

The labeling of these products bore false and fraudulent curative and therapeutic claims and also false and misleading claims regarding their alleged antiseptic properties. The labeling of the Pain-Go was further objectionable because of the false and misleading statement "Snake Oil"; and that of the so-called Carbolic Salve since the name conveyed the impression that the product consisted wholly of phenol and a medium, whereas it contained ingredients other than phenol and a medium.

On or about October 27, 1936, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 91 bottles of Nash's Pain-Go and 70 boxes of Nash's Carbolic Salve at Greenville, Miss., alleging that the articles had been shipped in interstate commerce on or about November 3, 1935, by Nash Bros. Drug Co. from Jonesboro, Ark., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Pain-Go consisted essentially of kerosene with small proportions of volatile oils such as turpentine and sassafras oils, and that the carbolic salve consisted essentially of petrolatum with small proportions of phenol, camphor, rosin, and boric acid. Bacteriological tests showed that the articles were not antiseptic.

The Pain-Go was alleged to be misbranded in that the statements (bottle) "antiseptic" and (carton and bottle) "snake oil" were false and misleading since they represented that the article was antiseptic and that it consisted of snake oil; whereas it was not antiseptic and did not consist of snake oil. The carbolic salve was alleged to be misbranded in that the following statements (carton) "Carbolic Salve" and (label) "Antiseptic Dressing," were false and misleading since they represented that the article consisted of phenol, yellow wax, and petrolatum, and that it was antiseptic; whereas it did not consist of phenol, yellow wax, and petrolatum, and was not antiseptic. The articles were alleged to be misbranded further in that the following statements appearing in the labeling, regarding their curative and therapeutic effects, were false and fraudulent: (Pain-Go, bottle) "Pain-Go * * * Apply in cases of pain," (carton) "Pain-Go * * * unequaled as a rubbing oil for pains and rheumatism and as an external application for * * * stiff joints * * * etc. * * * toothache— * * * bunions and headaches. Pain-Go is indicated to temporarily relieve pain in treatment of rheumatism, * * * lumbago, cuts * * * Sore throat, stiff joints, sore feet, * * * etc.", "Relieves pain"; (carbolic salve, carton) "For * * * General Use," (label) "Antiseptic Dressing for Cuts, * * * salt rheum, tetter, eczema, fever, sores, * * * boils, fellons, pimples."

On May 25, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27536. Misbranding of Poochie Worm Remover. U. S. v. 325 Cases of Poochie Intestinal Worm Remover and Conditioner. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 38532. Sample No. 15100–C.)

This product was short weight and contained less fat and less protein than declared. The label bore false and fraudulent curative and therapeutic claims.

On November 13, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 325 cases of Poochie Worm Remover and Conditioner at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 15, 1936, by Poochie Products Co., from Tulsa, Okla., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Poochie recommended as an intestinal worm remover and conditioner * * * Manufactured by Poochie Products Co., Tulsa, Oklahoma."

Analysis showed that the article consisted essentially of water, oats, meat, hair, charcoal, and a small amount of fish oil, together with small amounts of chlorides and phosphates of sodium and calcium.

The libel alleged that the article was misbranded in that the following statements, (can) "1 pound net weight * * * Guaranteed analysis crude protein not less than 11%. Crude Fat not less than 7%," were false and misleading since the cans contained less than 1 pound net and the article contained less than 11 percent of crude protein and less than 7 percent of crude fat. The article was alleged to be misbranded further in that the following statements borne on the label, regarding its curative or therapeutic effects, were false and fraudulent: (Can) "Recommended as an Intestinal Worm Remover and Conditioner. * * * Intestinal Worm Remover * * * scientifically prepared to remove intestinal worms from dogs and cats * * * Poochie Intestinal Worm Remover is a conditioner as well as a remedy. * * * To keep your dog in perfect condition feed from 2 to 4 cans each month. Worm and condition your dogs and cats this convenient way"; (carton label) "Worm Remover and Conditioner for Dogs & Cats."

On June 22, 1937, Poochie Products Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27537. Misbranding of Sixty Minute Worm Expeller. U. S. v. Ernest H. Burfeind (Chemical Products Co.). Plea of nolo contendere. Fine, $10. (F. & D. No. 38589. Sample No. 52686–B.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On June 8, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ernest H. Burfeind, trading as the Chemical Products Co., Ellsworth, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about November 13, 1935, from the State of Minnesota into the State of Pennsylvania, and on or about November 23, 1935, from the State of Minnesota into the State of Missouri of quantities of Sixty Minute Worm Expeller which was misbranded. The article was labeled in part: "Chemical Products Co., Ellsworth, Minn."

Analysis showed that it consisted essentially of ground Areca nut and charcoal.

The article was alleged to be misbranded in that certain statements borne on the box label and contained in the circular falsely and fraudulently represented that it was effective as a worm expeller and as a cure for tape worm, and effective to save puppies and cheer up old dogs.

On June 8, 1937, the defendant entered a plea of nolo contendere, and the court imposed a fine of $10 and suspended payment thereof.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27538. Misbranding of Foot Pal, Big-Chief Herbs, and Minnehaha Indian Herbs. U. S. v. Frank M. Spors (Spors Co.). Plea of guilty. Fine, $25. (F. & D. No. 38607. Sample Nos. 6405–C, 6408–C, 6410–C, 6411–C.)

The labeling of these products bore false and fraudulent representations regarding their curative and therapeutic effects, and that of the Foot Pal bore false and misleading representations regarding its alleged antiseptic properties.

On June 8, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank M. Spors, trading as the Spors Co., Le Center, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 3, 1936, from the State of Minnesota into the State of Wisconsin of quantities of Foot Pal, Big-Chief Herbs, and Minnehaha Indian Herbs that were misbranded. The articles were labeled variously: "Foot Pal * * * The Foot-Pal Co., Le Center, Minn."; "Big-Chief Herbs * * * Big-Chief Products Co., Le Center, Minn."; "Minnehaha Indian Herbs * * * Minnehaha Herb Co., Le Center, Minn."

Analyses showed that the Foot Pal consisted essentially of small proportions of sodium salicylate, glycerin, and pine-needle oil, and water colored with a green dye; that the Big Chief Herbs consisted essentially of plant material including lavender flowers and volatile oil of mustard; and that the Minnehaha Indian Herbs consisted essentially of plant material including senna leaves, gentian root, uva-ursi, triticum, and other unidentified plant material. Bac-

teriological tests of the Foot Pal showed that it was not antiseptic when used as directed.

The Foot Pal was alleged to be misbranded in that the statement "antiseptic," borne on the bottle label, was false and misleading since said statement represented that the article was an antiseptic when used as directed; whereas it was not an antiseptic when used as directed.

All articles were alleged to be misbranded in that certain statements in the labeling, regarding their curative and therapeutic effects, were false and fraudulent in the following respects: The bottle label of the Foot Pal falsely and fraudulently represented that the article was effective as an antiseptic against serious consequences resulting from infections; effective as a treatment, remedy, and cure for blisters and wounds from stepping on nails; effective to draw out rust and dirt; and effective to heal quickly; certain statements on the bottle label of the Big-Chief Herbs falsely and fraudulently represented that the article was effective as a relief for headaches, sinus, catarrh, hay fever, and asthma; certain statements on the boxes and cartons of the Minnehaha Indian Herbs falsely and fraudulently represented that the article was effective as Nature's own remedy; effective as a treatment, remedy, and cure for auto-intoxication and acid stomach due to constipation, and effective as a stimulant to the kidneys. Certain statements in the circular enclosed in the cartons of a portion of the Minnehaha Indian Herbs falsely and fraudulently represented that the article was effective as a tonic and to correct constipation and its results, such as rheumatism, kidney trouble, and stomach disorders; and effective as a treatment, remedy, and cure for weak, run-down condition, stomach disorders, sick headache, kidney troubles, tired, weak, run-down feeling, insomnia, diseased kidneys, ulcers of the stomach, loss of appetite, lowered vitality, coated tongue, skin blemishes, catarrh, fevers, nervousness, indigestion, and kindred ailments.

On June 28, 1937, the defendant entered a plea of guilty and the court imposed a fine of $25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27539. Misbranding of Shiloh. U. S. v. S. C. Wells & Co. Plea of guilty. Fine, $200. (F. & D. No. 38615. Sample No. 13203–C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On February 15, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against S. C. Wells & Co., a corporation, Le Roy, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 13, 1936, from the State of New York into the State of Pennsylvania of a quantity of Shiloh which was misbranded. It was labeled in part: "Shiloh for coughs, etc. * * * Prepared only by S. C. Wells & Company, Toronto, Can., Le Roy, N. Y."

Analysis showed that the article consisted essentially of terpin hydrate, tar oil, volatile oils including peppermint oil, chloroform, glycerin, and water.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, borne on the bottle label and carton, falsely and fraudulently represented that it was effective as a treatment for coughs, hoarseness, angina, whooping cough, spasmodic croup, sore throat, inflammation of the bronchi, shortness of breath, consumption, and all pulmonary diseases.

On July 20, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27540. Misbranding of World's Wonder Massage and World's Wonder System Builder. U. S. v. World's Wonder Medicine Co., Inc., Francis Cooper, and Robert A. Walton. Pleas of nolo contendere. World's Wonder Medicine Co. fined $200; payment suspended for 5 years. Francis Cooper and Robert A. Walton placed on probation for 5 years. (F. & D. No. 38625. Sample Nos. 6628–C, 6629–C.)

Examination showed that the labeling of these products bore false and fraudulent statements regarding their curative and therapeutic effects, and that the System Builder was not composed of the ingredients listed on the label.

On March 12, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the World's Wonder Medicine Co., Inc.,

Detroit, Mich., and Francis Cooper and Robert A. Walton, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act on or about June 16, 1936, from the State of Michigan into the State of Mississippi of quantities of World's Wonder Massage and World's Wonder System Builder that were misbranded. The articles were labeled in part: "World's Wonder Medicine Company, Inc."

Analyses showed that the Massage consisted essentially of small proportions of ammonia water, quinine, volatile oils including methyl salicylate and camphor, oil of turpentine, alcohol, and water; and that the System Builder consisted essentially of Epsom salt, extracts of plant drugs including a laxative plant drug and an alkaloid-bearing drug, sugar, and water.

The articles were alleged to be misbranded in that certain statements, designs, and devices regarding their curative and therapeutic effects, appearing in the labeling, falsely and fraudulently represented that the Massage was effective as a treatment, remedy, and cure for rheumatism, swollen feet, stiff joints, pneumonia, pleurisy, cold in the chest and swelling, and that the System Builder was effective as a system builder and as a treatment, remedy, and cure for indigestion, scrofula, skin diseases, kidney trouble, dyspepsia, chronic stomach trouble, hoarseness, chronic rheumatism, blood diseases, ringworms, bilious fever, syphilis, inflamed breast; and effective to quiet the nerves and cleanse the entire system.

The System Builder was alleged to be misbranded further in that the statements, "The herbs it contains Horehound, Prickly Ash, Red Clover, Red Purcoon, Black Root, Poke Root and other herbs," borne on the bottle label, were false and misleading since they represented that the article consisted essentially of the said ingredients, whereas it consisted essentially of Epsom salt, extracts of plant drugs, including a laxative plant drug and an alkaloid-bearing drug, sugar, and water.

On May 3, 1937, pleas of nolo contendere were entered on behalf of the defendants and the corporation was sentenced to pay a fine of $200, payment of which was suspended for a period of 5 years. The individual defendants also were each placed on probation for 5 years.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27541. Adulteration and misbranding of sodium fluoride tablets and phenobarbital tablets. U. S. v. F. W. Bascomb & Son, Inc. Plea of nolo contendere. Fine, $800. Payment suspended. (F. & D. No. 38626. Sample Nos. 56537–B, 56539–B.)

These tablets contained smaller amounts of the designated drugs than declared.

On April 10, 1937, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against F. W. Bascomb & Son, Inc., Detroit, Mich., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 2, 1935, and January 30, 1936, from the State of Michigan into the State of Wisconsin, of a quantity of sodium fluoride tablets and phenobarbital tablets, respectively, which were adulterated and misbranded. The articles were labeled: "Sodium fluoride ½ gr. F. W. Bascomb & Son Detroit, Mich."; "Phenobarbitol 1½ grs. F. W. Bascomb & Son, Detroit, Mich."

They were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in the following respects: Each of the sodium fluoride tablets was represented to contain one-half grain of sodium fluoride, whereas each of said tablets contained less than represented, namely, not more than 0.39 grain, i. e., not more than two-fifths grain of sodium fluoride; each of the phenobarbital tablets was represented to contain 1½ grains of phenobarbital, whereas each of said tablets contained less than represented, namely, not more than 1.22 grains of phenobarbital.

The articles were alleged to be misbranded in that the statements, "Sodium fluoride ½ gr." and "Phenobarbital * * * 1½ grs.," borne on the labels, were false and misleading since the former contained less than one-half grain of sodium fluoride and the latter contained less than 1½ grains of phenobarbital.

On July 2, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $800—payment to be suspended for 5 years.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27542. Adulteration and misbranding of nitroglycerin tablets. U. S. v. Sutliff & Case Co., Inc. Plea of nolo contendere. Fine, $250 and costs. (F. & D. No. 38644. Sample No. 75630–B.)

These tablets contained approximately one-seventh the amount of nitroglycerin declared on the label and contained an added substance, ammonium nitrate.

On May 21, 1937, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sutliff & Case Co., Inc., Peoria, Ill., alleging shipment by said company in violation of the Food and Drugs Act on or about June 20, 1936, from the State of Illinois into the State of Missouri of a quantity of nitroglycerin tablets which were adulterated and misbranded. The article was labeled in part: "Hypodermic Tablets Nitroglycerin . . . not over 1-100 gr. * * * Sutliff & Case Co., Inc."

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each of the tablets was represented to contain one-hundredth grain of nitroglycerin; whereas each of said tablets contained less than one-hundredth grain, namely, not more than 0.0014 grain, i. e., not more than one seven-hundredth grain of nitroglycerin, and each of the tablets contained 0.005 grain of ammonium nitrate.

The article was alleged to be misbranded in that the statement "Tablets Nitroglycerin * * * 1-100 gr.," borne on the bottle labels, was false and misleading since it represented that each of the tablets contained one-hundredth grain of nitroglycerin; whereas each of the tablets did not contain one-hundredth grain of nitroglycerin but did contain a less amount; and each of the tablets contained an added substance, namely, ammonium nitrate.

On June 10, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $250 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27543. Adulteration of nitrous oxide. U. S. v. American Oxygen Service Corporation. Plea of guilty. Fine, $75. (F. & D. No. 38667. Sample No. 9437–C.)

This product contained not more than 89.8 percent of nitrous oxide, whereas the United States Pharmacopoeia provided that it should contain not less than 95 percent of nitrous oxide.

On June 11, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the American Oxygen Service Corporation, Harrison, N. J., alleging shipment by said company in violation of the Food and Drugs Act on or about August 5, 1936, from the State of New Jersey into the State of New York of a quantity of nitrous oxide which was adulterated. The article was labeled in part: "Pure Nitrous Oxide Anhydrous * * * American Oxygen Service Corporation, Harrison, New Jersey."

It was alleged to be adulterated in that it was sold under the name "Nitrous Oxide," which has the same meaning as the name "Nitrogen Monoxide," a name recognized in the United States Pharmacopoeia, and contained less than 95 percent of nitrous oxide, namely, not more than 89.8 percent of nitrous oxide; that the standard of strength, quality, and purity of nitrogen monoxide determined by the tests laid down in the United States Pharmacopoeia requires that it contain not less than 95 percent by volume of nitrous oxide, and the said article differed from the aforesaid standard of strength, quality, and purity.

On June 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $75.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27544. Misbranding of solution of citrate of magnesia. U. S. v. Three Star Magnesia, Inc. Plea of guilty. Fine, $100; payment of $50 of which was remitted. (F. & D. No. 38658. Sample Nos. 9295–C, 9296–C, 17641–C, 17642–C.)

Samples of this product were found to contain less than the quantity of contents declared on the labels, examination having shown that the bottles contained quantities varying from 10.5 fluid ounces to 11.5 fluid ounces.

The contents of the bottles of this product were less than the volume declared on the labels.

On June 11, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Three Star Magnesia, Inc., Newark, N. J., alleging shipment by said company in violation of the Food and Drugs Act on or about October 20, November 6, and November 14, 1936, from the State of New Jersey into the State of Connecticut of quantities of solution of citrate of magnesia which was misbranded. A portion of the article was labeled: "Delmar Effervescing Solution of Citrate of Magnesia * * * Distributed by Du Bois Laboratories New York New Haven." The remainder was labeled: "Distributed by Viviny Laboratories New York New Haven Pierce's Solution Citrate of Magnesia." The bottle caps of all lots bore the statement: "Contents 11½ Fluid oz."

The article was alleged to be misbranded in that the statement "Contents 11½ Fluid Oz.," borne on the bottle cap, was false and misleading in that said statement represented that each of the bottles contained 11½ fluid ounces of the article; whereas each of the said bottles did not contain 11½ fluid ounces of the article but did contain a less amount.

On June 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $25 on each of the four counts and ordered that payment of the fines be suspended on counts 2 and 3 pending complete compliance with the Government regulations for 1 year.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27545. Adulteration and misbranding of tincture of iodine. U. S. v. De Pree Co. Plea of nolo contendere. Judgment of guilty. Fine, $200. (F. & D. No. 38669. Sample Nos. 57269-B, 6136-C.)

This product failed to conform to the standard for tincture of iodine established by the United States Pharmacopoeia, one lot being deficient in iodine and potassium iodide and the other containing an excess of iodine and potassium iodide.

On July 1, 1937, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the De Pree Co., a corporation of Holland, Mich., alleging shipment by said company in violation of the Food and Drugs Act on or about May 21 and August 18, 1936, from the State of Michigan into the State of Illinois of quantities of tincture of iodine which was adulterated and misbranded. The article was labeled in part: "San Tox Nurse Brand Tincture of Iodine U. S. P. * * * The De Pree Company, Holland, Mich."

The information alleged that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia; the edition of the pharmacopoeia official at the time of investigation of the article defined tincture of idoine as an alcoholic solution of iodine and potassium iodide containing in each 100 cubic centimeters, not less than 6.5 grams and not more than 7.5 grams of iodine and not less than 4.5 grams and not more than 5.5 grams of potassium iodide; the article in one of the shipments contained less than 6.5 grams of iodine and less than 4.5 grams of potassium iodide per 100 cubic centimeters, namely, not more than 6.23 grams of iodine and 4.24 grams of potassium iodide per 100 cubic centimeters; in the other shipment it contained more than 7.5 grams of iodine and more than 5.5 grams of potassium iodide, namely, not less than 8.35 grams of iodine and not less than 5.74 grams of potassium iodide per 100 cubic centimeters; and it therefore differed from the standard of strength, quality, and purity for tincture of iodine as defined by the tests laid down in the aforesaid pharmacopoeia.

The article was alleged to be misbranded in that the bottle label bore the statement "Tincture of Iodine U. S. P.," which represented that the strength, quality, and purity of the article conformed to the standard for tincture of iodine as determined by the tests laid down in the pharmacopoeia; and in that the strength, quality, and purity of the article did not so conform, and the statement aforesaid was false and misleading.

On July 26, 1937, a plea of nolo contendere was entered on behalf of the defendant, and the court entered judgment of guilty and imposed a fine of $200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27546. Misbranding of W. H. Bull's Quick Pile Relief. U. S. v. W. H. Bull Medicine Co., Inc., and Harley E. Houts. Pleas of guilty. Corporation fined $200 and costs. Harley E. Houts fined $50. (F. & D. No. 38685. Sample No. 4700-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims and false and misleading representations regarding its alleged antiseptic properties.

On May 17, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the W. H. Bull Medicine Co. Inc., St. Louis, Mo., and Harley E. Houts, alleging shipment by said defendants in violation of the Food and Drugs Act as amended on or about September 11, 1936, from the State of Missouri into the State of Oklahoma of a quantity of W. H. Bull's Quick Pile Relief which was misbranded. The article was labeled in part: "W. H. Bull Med. Co., St. Louis, Mo."

Analysis showed that the article consisted essentially of pine tar and small amounts of phenol and tannic acid incorporated in a base of petrolatum. Bacteriological tests showed that it was not antiseptic.

It was alleged to be misbranded in that certain statements, designs, and devices regarding its curative and therapeutic effects, appearing in the labeling, falsely and fraudulently represented that it was effective as a quick pile relief, as a treatment, remedy, and cure for external piles, anal fissure, internal, protruding, itching, or bleeding piles, hemorrhoids, boils, carbuncles, cuts, burns, old sores, and foul ulcers; and as a healing agent wherever required. It was alleged to be misbranded further in that the statement "antiseptic," borne on the package and box, was false and misleading since it was not an antiseptic.

On July 13, 1937, pleas of guilty were entered on behalf of the defendants, and the court imposed a fine of $200 and costs against the corporation and $50 against Harley E. Houts.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27547. Adulteration and misbranding of Rozel Effervescent Cones and misbranding of Rozel Douche Powder. U. S. v. 66 Bottles of Rozel Effervescent Cones, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 38924, 38925, 38926. Sample Nos. 29492–C, 29493–C.)

The labeling of both of these products bore false and fraudulent representations regarding their curative or therapeutic effects, and that of the cones bore misrepresentations regarding their alleged germicidal properties.

On January 12, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 66 packages and 50 sample packages of Rozel Douche Powder and 66 bottles of Rozel Effervescent Cones at Tacoma, Wash., alleging that the articles had been shipped in interstate commerce on or about August 6, 1936, by Rozel Laboratories from Chicago, Ill., and charging that both were misbranded and that the Effervescent Cones were also adulterated in violation of the Food and Drugs Act as amended.

Analyses showed that the Effervescent Cones consisted essentially of tartaric acid, sodium bicarbonate, talc, starch, and a small proportion of a chlorine-liberating compound; and that the douche powder consisted essentially of boric acid, sodium chloride, and ammonium alum, with small proportions of phenol and menthol. Bacteriological tests of the Effervescent Cones showed that they were not germicidal.

The article labeled "Effervescent Cones" was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Germicide," since it was not a germicide.

The article labeled "Effervescent Cones" was alleged to be misbranded in that the following statements appearing in the circular contained in the package were false and misleading since it was not a germicide and did not have the germicidal properties claimed for it: "Ideal Germicide * * * The germicidal power in Rozel Effervescent Cones is indisputable, * * * This gas contains a sperm destroying chemical that is * * * dependable. * * * the antiseptic used in Rozel Effervescent Cones * * * its germ killing action. The minute Rozel Effervescent Cones come in contact with the fluids of the vagina they deposit their germ killing deodorant ingredients into the folds, pockets and convolutions of the tissue. This offers a continuous cleansing and germ killing action over a period of several hours."

Both products were alleged to be misbranded in that the following statements in the labeling, regarding their curative and therapeutic effects, were false and fraudulent: (Effervescent Cones, bottle) "For Feminine Hygiene * * * For Inflammation * * * Insert one Rozel Vaginal Cone upon retiring. Follow with vaginal bath in the morning using Rozel Douche Powder for protective cleanliness"; (circular) "Prophylactic * * * A boon to marriage happiness Rozel Effervescent Cones is a modern scientific liberator of marriage worries

and anxieties. It aids in the happiness of both husband and wife during their marriage relationship. Rozel Effervescent Cones is your protection against all types of social diseases and your insurance of health and happiness. It is a reliable protection for the male when used by the female as a prophylactic. * * * Rozel Effervescent Cones is recommended by physicians all over the country as the antiseptic used in Rozel Effervescent Cones has been used freely by gynecologists in their prescriptions for inflamed conditions of the vaginal tract for many years. * * * Rozel Effervescent Cones are harmless and can be used without the slightest fear as they are non-caustic and will do much to prevent the development of all too common feminine ailments. * * * A marvelous combination for Health and Happiness when Rozel Douche Powder is used in conjunction with Rozel Effervescent Cones"; (douche powder, regular size, metal container) "For Feminine Hygiene * * * For Inflammation * * * for inflammations, irritations, leuchorrhea * * * and conditions in which an astringent wash is indicated"; (douche powder, sample size, envelope) "Feminine Hygiene * * * For Inflammations, Itching, Leuchorrhea * * * and minor hemorrhages * * * In addition it has marked healing properties"; (circular accompanying shipment) "Negligence in the proper care of vaginal organs is the source of many women's ailments. To help avoid these depressing conditions—two scientific, harmless and non-irritating remedies for conditions affecting the vaginal tract have been perfected under the guidance of prominent specialists in female cases and diseases. These are the Rozel Effervescent Cones and Rozel Douche Powder; when used either together or separately a Boon to Feminine Hygiene * * * always soothing and stimulating to the inner tissues * * * For inflammation, irritation, itching, leucorrhea, minor hemorrhages * * * it destroys the mucous discharge * * * In addition, it has marked healing properties * * * and protective * * * When Rozel Douche Powder is used following Rozel Effervescent Cones, it assures a double protective cleanliness and perfect sanitation."

On April 19 and June 1, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27548. Adulteration and misbranding of Cereal Lactic. U. S. v. 4 Cartons of Cereal Lactic (and two other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 39000, 39189, 39190. Sample Nos. 15120–C, 20131–C, 20132–C, 20133–C.)

This product contained viable lactic-acid-producing bacteria in an amount far too low to be of any value when used according to directions and far below the number it was represented to contain. The labels also bore false and fraudulent curative and therapeutic claims.

On January 29 and March 8, 1937, the United States attorneys for the Northern District of Illinois and the District of Maine, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 4 cartons of Cereal Lactic at Winnetka, Ill., and 164 cans of Cereal Lactic at Portland, Maine, alleging that the article had been shipped in interstate commerce by the Cereal Lactic Co. from Woodward, Iowa, in part on or about January 2, 1937, and in part on or about January 9, 1937, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Examination of a sample taken from one of the shipments showed that it contained viable lactic-acid-producing bacteria not exceeding 370,000 per gram of dry material. Examination of samples from the remaining two lots showed 1,400,000 and 2,000,000, respectively, of viable lactic acid-producing bacteria per gram of dry material.

The article was alleged to be adulterated in that its strength fell below the professed standard of quality under which it was sold, "Bacterial count: 173 million aciduric organisms per gram of dry material."

The article was alleged to be misbranded in that the following statements on the label were false and misleading when applied to an article containing viable lactic-acid-producing bacteria not exceeding the amounts found in the samples: (One lot) "Bacterial count: 173 million aciduric organisms per gram of dry material"; (remaining lots) "Cereal Lactic A biological formula of lactic acid forming bacteria. Bacterial count: 173 million aciduric organisms per gram of dry material"; (booklet enclosed in shipping carton) "Bacterial Formula Cereal Lactic presents to the medical profession the most potent,

viable lactic-acid producing organisms known. * * * Bacteriological Count 173 Million aciduric organisms per gram of dry material."

The libel filed in the Northern District of Illinois charged that the article was misbranded also in that the following statements on the label regarding its curative or therapeutic effects were false and fraudulent: "Cereal Lactic is indicated in all gastro-intestinal conditions where a change in intestinal flora is known to be beneficial; also in reflex symptoms due to toxins of gastro-enteric origin." The libels filed in the District of Maine charged that the article was misbranded in that the booklet enclosed in the shipping carton contained false and fraudulent representations regarding its effectiveness in the treatment of gastrointestinal disorders, chronic constipation, hypertension, colitis, nervous symptoms, headaches, body fatigue, arthritis, neuritis, and eczema; its effectiveness in the control of pathogenic and alkaline organisms, in normalizing the bacterial count of the bowel and colon, and in controlling intestinal toxemia; and its effectiveness to normalize the motor activity and thus relieve constipation.

On April 2 and April 30, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27549. Adulteration and misbranding of tincture of iodine. U. S. v. 720 Bottles and 258 Bottles of Tincture of Iodine (and two other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 38339, 39042, 39090. Sample Nos. 1026–C, 6627–C, 15938–C, 22545–C.)

This product was sold under a name recognized in the United States Pharmacopoeia and differed from the pharmacopoeial standard.

On September 28, 1936, and February 9 and 16, 1937, the United States attorneys for the Southern District of Mississippi and the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 978 bottles of tincture of iodine at Meridian, Miss., and 2,232 bottles of tincture of iodine at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce by Dermay, Inc., from New York, N. Y., in various shipments on or about September 11, 1935, November 11, 1936, and January 19, 1937, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously: "U. S. P. Tincture Iodine * * * First Aid Prod. Corp., New York"; "U. S. P. Tincture Iodine * * * Liberty Products Co., Erie, Pa."; "U. S. P. Tincture Iodine * * * Tip-Top Products Co., New York-Chicago."

It was alleged to be adulterated in that it was sold under a name recognized by the United States Pharmacopoeia and differed from the standard of strength, quality, or purity as determined by the tests laid down in the pharmacopoeia, and its own standard was not stated on the container.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading since the United States Pharmacopoeia provides that tincture of iodine shall contain in each 100 cubic centimeters not less than 6.5 grams of iodine; whereas the article contained less than 6.5 grams of iodine per 100 cubic centimeters: (All bottle labels) "U. S. P. Tincture Iodine"; (carton containing two dozen Liberty products and carton containing one dozen Tip-Top products) "Tincture of U. S. P. Iodine * * * Tincture of Iodine U. S. P. Double Strength."

On March 17 and June 30, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27550. Misbranding of Zonalife. U. S. v. 69 Bottles of Zonalife. Default decree of destruction. (F. & D. No. 39164. Sample No. 30299–C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On March 4, 1937, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 bottles of Zonalife at Wichita, Kans., alleging that the article had been shipped in interstate commerce on or about January 20, 1937, by the Zonalife Distributors from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of magnesium sulphate and water with small amounts of an iron compound, methyl salicylate, and saccharin.

The article was alleged to be misbranded in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: "Zonalife * * * We have Testimonials from many who have suffered from indigestion * * * Headaches, Sluggish Kidneys, Rheumatism and High Blood Pressure, who claim great relief by using Zonalife."

On July 22, 1937, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27551. Misbranding of Fairey Oil. U. S. v. 59 Bottles of Fairey Oil. Default decree of destruction. (F. & D. No. 39113. Sample No. 16149–C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On February 26, 1937, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 bottles of Fairey Oil at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about January 30, 1937, by Fairey Wholesale Drug Co., Inc., from Orangeburg, S. C., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of methyl salicylate, oil of turpentine, and a green coloring material.

The article was alleged to be misbranded in that the bottle label, carton, a circular contained in some of the cartons, and another circular contained in one of the cartons contained false and fraudulent representations regarding its effectiveness in the treatment of neuralgia, rheumatism, toothache, headache, stiff neck, lame back, sore throat, cold in chest, pain in the head, side, stomach, feet, limbs and shoulders, cramps, colic, cuts, scratches, mosquito bites, flea bites, aching feet, sore bunions, sunburn, stiff joints, stiff muscles, colds, coughs, aches and pains and flu; its effectiveness in preventing infection; and its effectiveness as a breath-purifying mouthwash.

On April 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27552. Misbranding of Colac Pile Pills. U. S. v. 128 Bottles of Colac Pile Pills. Default decree of condemnation and destruction. (F & D. No. 39152. Sample No. 35239–C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On February 27, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 128 bottles of Colac Pile Pills at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 4, 1937, by Vasco Products from Brentwood, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Colac Pile Pills * * * Colac Chemical Co., Inc. * * * Brentwood, Md., U. S. A. Sole Proprietors."

Analysis showed that the article was a sugar-, chocolate-' and iron oxide-coated tablet containing magnesium oxide, extracts of plant drugs, and a tar-like material.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent: (Bottle) "Highly recommended for all forms of piles of the rectum. * * * Pile Pills"; (shipping carton) "Colac Pile Pills The best Remedy Known For Piles Relief Within Twenty-Four Hours."

On June 26, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27553. Misbranding of Akalyn. U. S. v. 456 Bottles of Akalyn. Default decree of condemnation and destruction. (F. & D. No. 39188. Sample No. 34583–C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims. It contained acetophenetidin, a derivative of acetanilid, and its

label failed to bear a plain and conspicuous statement of the quantity or proportion thereof.

On or about March 18, 1937, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 456 bottles of Akalyn at Jackson, Miss., alleging that it had been shipped in interstate commerce on or about November 21, 1936, by the Medical Products Co., from New Orleans, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Akalyn * * * The Akalyn Company, New Orleans, U. S. A."

Analysis showed that it consisted essentially of acetophenetidin (3.2 grains per tablet), sodium salicylate (2 grains per tablet), magnesium oxide, starch, talc, and a red coloring material.

The article was alleged to be misbranded in that the package failed to bear on its label a statement of the quantity or proportion of acetophenetidin, a derivative of acetanilid, contained in the article since the statement made was inconspicuously placed and was in very small type. It was alleged to be misbranded further in that the following statements appearing in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Metal container) "* * * for the Relief Of Pain from Headaches Neuralgia and Inorganic Causes * * * Akalyn a new safe preparation especially designed for use to relieve all forms of pain arising from Headaches, Neuralgia, Rheumatism, Etc. Akalyn is also efficient in the relief of Toothache. * * * and pain associated with Menstrual Disturbances * * * Is Non Narcotic and Non Habit Forming"; (circular) "* * * for the Relief of Pain from Headaches Neuralgia Rheumatism and Pain Associated with Menstrual Disturbances * * * The Alkaline Pain Preparation Akalyn is an Alkaline mixture indicated in the treatment for the relief of Headaches, Neuralgia, * * * And Pain Due To Inorganic Causes * * * and discomfort associated with menstrual disturbances. Doctors will tell you of the dangers of excess acidity. Akalyn contains No Acids, as many pain preparations do, and when taken internally is readily absorbed. Being Alkaline it has a tendency to reduce acidity. Grippe * * * Grippal conditions are usually accompanied by acidosis. Akalyn will be found very useful as a treatment to reduce this acid condition. * * * Further, Akalyn Contains No Narcotics Or Habit Forming Drugs. * * * Directions for Relief Of Pain and Discomforts In The Following Conditions Headaches: * * * Neuralgia: * * *"; (display carton) "* * * for relief of Headaches for relief of Neuralgia * * * for relief of Rheumatic Pain * * * For The Relief Of Pain."

On May 14, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27554. Adulteration and misbranding of tincture of iodine. U. S. v. 28 Dozen Bottles of Tincture of Iodine. Default decree of condemnation and forfeiture. (F. & D. No. 39218. Sample No. 22549–C.)

This product contained not more than 5.88 grams of iodine per 100 cubic centimeters, whereas the United States Pharmacopoeia provided that tincture of iodine should contain not less than 6.5 grams of iodine per 100 cubic centimeters.

On March 15, 1937, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 dozen bottles of tincture of iodine at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about October 28, 1936, by the Certified Pharmacal Co. from New York, N. Y. and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: "Tincture U. S. P. Iodine * * * Certified Pharmacal Company."

The article was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, "Tincture Iodine," and differed from the standard of strength as determined by the test laid down therein, and its own standard of strength was not stated upon the container.

It was alleged to be misbranded in that the statement "Tincture U. S. P. Iodine" was false and misleading since the United States Pharmacopoeia provides that tincture of iodine shall contain in each 100 cubic centimeters not

less than 6.5 grams of iodine: whereas the article contained less than 6.5 grams of iodine per 100 cubic centimeters.

On June 30, 1937, no claimant having appeared, judgment of condemnation and forfeiture was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27555. Misbranding of roundworm capsules. U. S. v. 152 Packages of Right-O Roundworm Capsules. Default decree of condemnation and destruction. (F. & D. No. 39279. Sample No. 15140–C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On March 30, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 152 packages of Right-O Roundworm Capsules at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 1 and February 20, 1937, by Right-O Laboratories, from Battle Creek, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of oil of chenopodium, calomel, a laxative plant drug, sodium bicarbonate, and mineral oil.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent: (Large carton) "Round Worm Capsules"; (small carton) "Roundworm Capsules For Expelling Roundworms and Pinworms in Pups, Dogs and Foxes * * * After first worming repeat treatment in 10 days in order to get the worms that were in egg form at first worming"; (circular) "Roundworm Capsules is the safe way to worm your dog, comprised of pure vegetable worm compound, it is very efficient in the elimination of Round and Pin Worms."

On June 7, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27556. Misbranding of Pituipost ampuls. U. S. v. 182 Ampuls of Pituipost. Default decree of condemnation and destruction. (F. & D. No. 39280. Sample No. 30773–C.)

This product was labeled and invoiced to convey the impression that it was pituitary extract obstetrical. However, it had a potency not exceeding 25 percent of the requirement of the National Formulary for such product.

On April 1, 1937, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 182 ampuls of Pituipost at El Paso, Tex., alleging that the article had been shipped in interstate commerce on or about March 4, 1937, by the Intra Products Co. from Denver, Colo., and charging misbranding in violation of the Food and Drugs Act. The article was described in the invoice as "2X 100a Pituitary Ext. Obst. 1cc #198."

It was alleged to be misbranded in that the statement on the label, "Pituipost * * * Obstetrical," was false and misleading since it conveyed the impression that the article was ampuls of pituitary extract obstetrical, an article described in the National Formulary; whereas it possessed a potency not exceeding 25 percent of the minimum requirement of the National Formulary for pituitary extract obstetrical. It was alleged to be further misbranded in that it was offered for sale in the invoice as "Pituitary Ext Obst," the abbreviation of the article, pituitary extract obstetrical.

On June 3, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27557. Misbranding of methyl salicylate, alum, and sulphur. U. S. v. 34 Bottles of Certified Methyl Salicylate, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 39287, 39288, 39289. Sample Nos. 35158–C to 35161–C, incl., 35163–C to 35165–C, incl., 37247–C.)

The labels of these products bore false and fraudulent curative and therapeutic claims.

On April 2, 1937, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in district court libels praying seizure and condemnation of 139 bottles of certified

methyl salicylate, 68 packages of certified alum, and 67 packages of certified sulphur at Wilkes-Barre, Pa., alleging that the articles had been shipped in interstate commerce between the dates of August 1, 1935, and January 16, 1937, by the Purepac Corporation from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the articles were methyl salicylate, alum, and sulphur, respectively.

The articles were alleged to be misbranded in that the following statements appearing on the labels regarding their curative or therapeutic effects were false and fraudulent: (Methyl salicylate) "For External Application A very effective remedy for Rheumatism, Gout, Lumbago and Stiffness in the joints"; (alum) "Widely employed * * * in external hemorrhages and other bleedings from Mucous Membranes * * * It is extensively employed as an astringent in Leucorrhea, Unhealthy Ulcers and similar conditions. * * * Use successfully as a Gargle from Sore Throat"; (sulphur) "It is recommended as an alternative (blood purifier) in chronic rheumatism and gout."

The libel filed against the sulphur charged that it was also misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment No. 1571 published under that act.

On May 29, 1937, no claimant having appeared, judgments of condemnation and forfeiture were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27558. Misbranding of Duray. U. S. v. 22 Cartons and 14 Packages of Duray. Default decrees of condemnation and destruction. (F. & D. Nos. 39338, 39386. Sample Nos. 31097–C, 32835–C.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On April 6, 1937, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cartons of Duray at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about December 24, 1936, and February 25, 1937, by the Duray Laboratories, Inc., from Seattle, Wash. On April 20, 1937, a libel was filed against 14 packages of Duray at Denver, Colo., which had been shipped in interstate commerce on July 2, 1936, by Strang & Prosser from Seattle, Wash. The libels charged that the article was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Duray * * * Made in the U. S. A. by Duray Laboratories, Inc., Seattle, Washington."

Analysis of a sample showed that it consisted essentially of borax with small amounts of boric acid, phenol, menthol, and a blue pigment.

The article was alleged to be misbranded in that the bottle label and an accompanying leaflet bore false and fraudulent representations reparding its effectiveness in the treatment of female disorders, ammenorrhea, dysmenorrhea, and leucorrhea; and its effectiveness for feminine hygiene, to destroy germs, as an aid to the menopause, and as a reliable safeguard for personal cleanliness.

On May 18 and June 16, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27559. Adulteration and misbranding of rubbing alcohol compound. U. S. v. 81 Bottles of Rubbing Alcohol. Default decree of condemnation and destruction. (F. & D. No. 39380. Sample No. 21670–C.)

This product was sold as rubbing alcohol compound, a product which should contain ordinary (ethyl) alcohol. It consisted, however, of a mixture of isopropyl alcohol, acetone, and water; and the label failed to bear a statement of the quantity or proportion of the isopropyl alcohol contained in it.

On April 20, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 81 bottles of rubbing alcohol compound at Jeanerette, La., alleging that the article had been shipped in interstate commerce on or about October 5, 1936, by Dixie Deb Cosmetics, Inc., from Dallas, Tex., and charging adulteration and misbranding in violation of the Food and Drugs Act. It was labeled in part: "Thy-o-septic Rubbing Alcohol Compound Iso Propyl Alcohol 70 proof."

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely,

"Rubbing Alcohol Compound," since it did not contain ordinary (ethyl) alcohol but consisted of a mixture of isopropyl alcohol, acetone, and water.

It was alleged to be misbranded in that the statement on the label, "Rubbing Alcohol Compound," was false and misleading since it did not consist of ordinary (ethyl) alcohol but did consist of isopropyl alcohol, acetone, and water. It was alleged to be misbranded for the further reason that it was an imitation of and was offered for sale under the name of another article, namely, rubbing alcohol compound. Misbranding was alleged for the further reason that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol, since the declaration "Iso Propyl Alcohol 70 Proof" was not such a statement but was meaningless.

On May 18, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27560. Misbranding of Economy First Aid Kits. U. S. v. 176 2/3 Dozen Packages of Economy First Aid Kits. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. No. 37457. Sample No. 63131–B.)

These kits contained several articles one of which bore on the bottle label the statement that it was an iodide compound, and on the carton the statement that it was an iodine compound; whereas it was neither but was a chloramine and potassium iodate compound.

On March 25, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 176⅔ dozen packages of Economy First Aid Kits at Le Center, Minn., alleging that they had been shipped in interstate commerce on or about March 2, 1936, by the Union Products Co., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "This Economy Kit contains * * * stainless iodine compound."

It was alleged to be misbranded in that the statement on the carton, "This economy kit contains * * * stainless iodide [iodine] compound," and the designation, "Novo Iodide Compound," on the bottle label were false and misleading since the article was a chloramine and potassium iodate compound and not an iodine compound nor an iodide compound.

On February 7, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a hospital or other charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27561. Adulteration and misbranding of Endovarin. U. S. v. 18 Cartons and 2 Bottles of Endovarin. Default decrees of condemnation and destruction. (F. & D. Nos. 39393, 39881. Sample Nos. 17874–C, 27454–C.)

This product was represented to consist of desiccated whole ovary with added follicular fluid, but in fact contained no demonstrable proportion of follicular fluid.

On April 27 and June 21, 1937, the United States attorneys for the Southern District of New York and the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 18 cartons of Endovarin at New York, N. Y., and 2 bottles of Endovarin at Jersey City, N. J., alleging that the article had been shipped in interstate commerce by the Harrower Laboratory, Inc., from Glendale, Calif., into the State of New York on or about March 30, 1937, and from New York, N. Y., into the State of New Jersey on or about April 16, 1937, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely, desiccated whole ovary with added follicular fluid.

It was alleged to be misbranded in that the statement on the carton, "Each tablet contains 2 gr. of desiccated whole ovary with added follicular fluid," was false and misleading, since it contained but an inconsequential amount of, if any, follicular fluid.

On May 22 and August 4, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27562. Adulteration and misbranding of ampuls of phenobarbital sodium. U. S. v. 2 Boxes of Ampuls Phenobarbital Sodium. Default decree of condemnation and destruction. (F. & D. No. 39494. Sample No. 30765–C.)

This case involved ampuls of phenobarbital sodium which contained viable micro-organisms including gram-positive aerobic spore-forming bacilli; whereas the National Formulary provided that ampuls should contain only sterile preparations.

On April 22, 1937, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2 boxes, each containing 12 ampuls of phenobarbital sodium, at El Paso, Tex., alleging that the article had been shipped in interstate commerce on or about March 5, 1937, by the Intra Products Co., from Denver, Colo., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, ampuls of phenobarbital sodium, a sterile preparation, since it was phenobarbital sodium in ampuls and was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statements "Ampoules Phenobarbital Sodium," borne on the box, and "Phenobarbital Sodium," borne on the individual ampul, were false and misleading, since they represented that the article was phenobarbital sodium in ampuls, a sterile preparation; whereas it was not phenobarbital sodium in ampuls, a sterile preparation, but was contaminated with viable micro-organisms.

On June 3, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27563. Misbranding of Elixir Tussinol. U. S. v. 15 Bottles of Elixir Tussinol. Default decree of condemnation and destruction. (F. & D. No. 39410. Sample No. 37135–C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On May 4, 1937, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bottles of Elixir Tussinol at Wilmington, Del., alleging that the article had been shipped in interstate commerce on or about November 25, 1936, by Medicinal Research Laboratories from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of a solution of gold bromide.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing on the bottle label, were false and fraudulent: "Tussinol * * * The Preferred Treatment for Whooping Cough and other Spasmodic Coughs. * * * indicated for relief of the Spasms and discomforts of Whooping Cough and other Spasmodic Coughs The Therapeutic effect of Elixir Tussinol is * * * Neuro-sedative and Antibacterial."

On June 17, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27564. Adulteration and misbranding of spirits of turpentine. U. S. v. Roberts Industries, Inc. Plea of guilty. Fine, $50. (F. & D. No. 39488. Sample No. 15827–C.)

This product was sold under a name recognized in the United States Pharmacopoeia but differed from the pharmacopoeial standard.

On June 23, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Roberts Industries, Inc., New York, N. Y. The information alleged that on September 12, 1936, the Gotham Sales Co., Inc., shipped from New York, N. Y., to Ashboro, N. C., a quantity of spirits of turpentine; that it had been purchased from the defendant, Roberts Industries, Inc., and had been guaranteed by said defendant as conforming with the requirements of the Federal Food and Drugs Act; that the article when shipped in interstate commerce was in the identical condition as when purchased and was adulterated and misbranded in violation of the Food and

Drugs Act, and that the defendant was amenable to the fines and penalties incurred by virtue of said guaranty. The article was labeled in part: "Spirits of Turpentine * * * R Manufacturing Co. New York—Chicago—New Orleans—San Francisco."

It was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of the investigation; that said standard specified that spirits of turpentine should be "The volatile oil distilled from the oleoresin obtained from Pinus palustris Miller and other species of Pinus which yield exclusively terpene oils"; that said article was not such product but was steam-distilled wood turpentine obtained in whole or in part by the steam distillation of pine wood.

The article was alleged to be misbranded in that the statement "Spirits of Turpentine U. S. P.," borne on the bottle label, was false and misleading since it represented that the article was spirits of turpentine U. S. P., whereas it was not spirits of turpentine U. S. P., but was steam-distilled wood turpentine. It was alleged to be misbranded further in that it was an imitation of and was offered for sale under the name of another article, namely, spirits of turpentine U. S. P.

On June 28, 1937, a plea of guilty was entered on behalf of defendant and the court imposed a fine of $50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27565. Adulteration and misbranding of acetanilid compound tablets. U. S. v. Sutliff & Case Co., Inc. Plea of nolo contendere. Fine, $50 and costs. (F. & D. No. 39492. Sample No. 18641–C.)

This product contained a smaller amount of acetanilid than declared on the label.

On May 21, 1937, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sutliff & Case Co., Inc., Peoria, Ill., alleging shipment by said company in violation of the Food and Drugs Act on or about November 13, 1936, from the State of Illinois into the State of Iowa of a quantity of acetanilid compound tablets which were adulterated and misbranded. The article was labeled in part: "Compressed Tablets * * * Acetanilid Comp. No. 3 * * * Represents: Acetanilid . . . 2½ grs. * * * Sutliff & Case Co. Inc. * * * Peoria, Illinois."

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each of the tablets was represented to contain 2½ grains of acetanilid; whereas each of said tablets contained less than 2½ grains, namely, not more than 1.86 grains of acetanilid.

It was alleged to be misbranded in that the statement "Tablets * * * Represents: Acetanilid 2½ grs.," borne on the bottle label, was false and misleading, since the tablets did not contain 2½ grains of acetanilid but did contain a less amount.

On June 10, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $50 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27566. Misbranding of Helm's Jen-A Rub. U. S. v. 58 Packages of Helm's Jen-A Rub. Default decree of condemnation and destruction. (F. & D. No. 39511. Sample No. 14695–C.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On May 3, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 packages of Helm's Jen-A Rub at Fort Wayne, Ind., alleging that the article had been shipped in interstate commerce on or about November 23, 1936, by the Helm Co. from Benton Harbor, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of methyl salicylate and menthol incorporated in petrolatum.

It was alleged to be misbranded in that the jar label, the carton, and a circular enclosed in the carton bore false and fraudulent representations regarding its effectiveness in the treatment of colds in the chest, sinus trouble, sore throat, open sores, stiff joints, stiff neck, inflamed and congested conditions, flu, pneumonia, neuritis, "stuffed up" head, distressing fullness, splitting headache, backache, sprained muscles of the back, rheumatic pains; and its effectiveness to relieve swelling, to restore the tissues to a healthy tone, and to relieve infection.

On June 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27567. Adulteration and misbranding of Effervescent Seltzer. U. S. v. 74 Cards, each containing 20 Tubes of Effervescent Seltzer For Headaches. Default decree of condemnation and destruction. (F. & D. No. 39516. Sample No. 20592–C.)

This product was contained in several tubes attached to a card. It contained less acetanilid per ounce than declared on the card and tube, and the amount of acetanilid per tube was not declared. Moreover, the labeling bore false and fraudulent curative and therapeutic claims.

On April 29, 1937, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 cards, each containing 20 tubes of Effervescent Seltzer For Headaches at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about November 12, 1936, by the Mills Sales Co. from Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Honoroff Laboratories Inc. Chicago Illinois."

Analysis showed that the article consisted essentially of sodium bicarbonate, citric acid, and tartaric acid with 1.2 percent of acetanilid (5 grains per ounce), 2.8 percent of sodium bromide and caffeine.

It was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, "Each oz. contains twenty grains Acetanilid", since it did not contain 20 grains of acetanilid in each ounce but did contain much less, namely, not more than 5 grains of acetanilid in each ounce.

The article was alleged to be misbranded in that the statement "Each oz. contains twenty grains Acetanilid", borne on the card and tube, was false and misleading since the article contained much less than so represented, namely, not more than 5 grains of acetanilid in each ounce. It was alleged to be misbranded further in that the package failed to bear a statement of the quantity or proportion of acetanilid contained in the article, since the statement made was not correct and was not in terms of the unit required by regulation of this Department. The article was alleged to be misbranded further in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: (Vial) "Relief for * * * Stomach disorders Excessive Eating, Drinking"; (card) "Relief for * * * Gastric Distress * * * Relief for * * * Stomach Disorders, Excessive Eating, Drinking * * * Relieves * * * Acidity, Gastric Distress."

On May 18, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27568. Adulteration and misbranding of M. F. C. Chill & Malaria Tonic and Dr. Dodds Purgolax Tablets. U. S. v. 600 Bottles of M. F. C. Chill & Malaria Tonic and 600 Envelopes of Dr. Dodds Purgolax Tablets. Default decree of condemnation and destruction. (F. & D. No. 39517. Sample No. 18683–C.)

The Chill & Malaria Tonic was represented on some of its labels as being a quinidine tonic, whereas it contained neither quinidine nor quinine but did contain cinchonine. The labeling of both products bore false and fraudulent curative and therapeutic claims.

On April 29, 1937, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 bottles of M. F. C. Chill & Malaria Tonic, each bottle of which was enclosed in a package also containing a sample envelope of Dr. Dodds Purgolax Tablets, at Memphis,

Tenn., alleging that the articles had been shipped in interstate commerce, in various shipments on or about August 24, August 28, and September 17, 1936, by the Southwestern Chemical Co., from Jonesboro, Ark., and charging adulteration and misbranding of the former and misbranding of the latter in violation of the Food and Drugs Act as amended.

Analyses showed that the Chill & Malaria Tonic consisted essentially of sugar, water, cinchonine, phenolphthalein, an iron compound, benzoic acid, and extracts of plant materials; and that the Purgolax Tablets consisted essentially of phenolphthalein, calomel, and laxative plant drugs, such as aloe coated with calcium carbonate, sugar, and a pink coloring material.

The Chill & Malaria Tonic was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, (cartons and some labels) "Quinidine Tonic"; (other labels) "Quinine Tonic"; (circulars) "containing quinine," since it did not contain either quinidine or quinine.

The Chill & Malaria Tonic was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading when applied to an article that did not contain either quinidine or quinine: (Carton) "Quinidine Tonic * * * where a Laxative and Quinidine are indicated. * * * with quinidine * * * the Quinidine * * * the Iron and Quinidine combined with a Laxative make an excellent Tonic"; (circular) "* * * containing Quinine * * * Many so-called remedies contain quinine and a laxative but no iron; others contain quinine and iron but no laxative. Dr. Dodd's MFC contains them all"; (some bottle labels) "Quinidine Tonic * * *"; (other bottle labels) "* * * where Quinine and a Laxative are needed * * * Quinine Tonic." The Chill & Malaria Tonic was alleged to be misbranded further in that the bottle labels, cartons, and circulars bore false and fraudulent representations regarding its effectiveness in the treatment of chills, malaria, colds, and fevers due to malaria; and its effectiveness as a general tonic and appetizer; its effectiveness to restore red blood corpuscles, to rebuild the system and to hasten the return of vigor and vitality; its effectiveness to build health, strength and vitality; its effectiveness as an all year around tonic for those feeling "all in," depressed, listless, failing; its effectiveness for lagging appetite and to build resistance against colds; and its effectiveness as an all around medicine for the entire family.

The Purgolax Tablets were alleged to be misbranded in that the envelopes and circulars in some of the envelopes bore false and fraudulent representations regarding the effectiveness of the article in the treatment of auto-intoxication, constipation, and certain forms of biliousness; and its effectiveness to stimulate the liver and intestines and to eliminate toxins from the system.

On July 10, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27569. Adulteration and misbranding of Lund's Magic of the Grape. U. S. v. 79 Bottles of Lund's Magic of the Grape (and two other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 39339, 39396, 39581. Sample Nos. 17941–C, 27497–C, 27522–C.)

This product was labeled to convey the impression that it was grape juice, whereas it consisted of grape juice diluted with about four parts of water and it contained added dextrose (grape sugar). The labeling bore false and fraudulent curative and therapeutic claims.

On April 6, April 20, and May 13, 1937, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 364 quart bottles and 95 pint bottles of Lund's Magic of the Grape at New York, N. Y., alleging that the article had been shipped in interstate commerce in various shipments on or about February 10, March 24, and March 31, 1937, by Lund's Grape Juice Co. from Erie, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged to be adulterated in that water, dextrose, and mineral matter had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength and in that a mixture of water, dextrose, mineral matter, and about 20 percent of grape juice had been substituted for grape juice, which it purported to be.

The article was alleged to be misbranded in that the following statements appearing on the bottle label and accompanying circulars were false and mis-

leading when applied to an article that consisted essentially of water, dextrose, mineral matter, and approximately 20 percent of grape juice: (Bottle label) "Magic of the Grape Prepared from the pure juice of U. S. No. 1 ripe Concord Grapes exclusively processed to preserve the grape tartrates * * * Lunds, served in 2½ ounce fruit-juice glasses at meals and as a refreshment between meals, is economical fruit. * * * The skins are discarded as you discard them in the usual process of eating grapes, so that the cloudy purple coloring which consists of compounds of tannic acid that disturb digestion, is eliminated. It offers the convenience of pouring your morning fruit from a bottle and has the same delicate flavor as the juice that flows into your mouth when you break a fresh ripe grape between your lips. * * * [design showing grapes] Magic of the Grape As the grape contains more fruit sugar than any other fruit, it is a valuable food"; (quart-sized-bottle label) "Lunds Grape Juice Co. * * *"; (pint-sized-bottle label) "Concord Juice Co. * * *"; (circulars accompanying two lots) "Magic of the grape * * * pure natural food which does not require digestion. * * *"; "Magic of the Grape is prepared from cold pressed natural color grape juice with grape sugar and no cane sugar"; (circular, entitled "Directions," accompanying one lot) "Two or three quarts of Lund's per day furnishes energy for all usual occupations"; (circular, entitled "Relief Guaranteed in 24 Hours," accompanying one lot) "Lund's Magic Of The Grape is prepared from cold pressed natural color grape juice with grape sugar * * * It is so rich in grape sugar, which is the normal blood constituent from which nearly all energy is derived, that no other food is required for ordinary activities during a fast."

The libels alleged that the article was misbranded further in that the bottle labels and accompanying circulars bore false and fraudulent representations regarding its curative and therapeutic effectiveness in the treatment of colds, stomach, liver, kidney, intestine, lung or bladder trouble, rheumatism, emaciation, overweight, sleeplessness, cancer, or any other sickness, congestion, constipation, inflammation of acute kinds, night-rising and insomnia; its effectiveness to make one's condition more normal, the pulse more firm and regular, the heart beat easier, the blood pressure and temperature more normal, the breathing easier, the kidney and bowel action more regular and less painful, the appearance of the skin more normal, sleep more restful; its effectiveness to relieve inflammation, congestion of mucous membranes, and pains in the muscles and joints; its effectiveness to eliminate poisons and wastes, to produce a feeling of release, lightness, loss of heaviness in the eyes, mind, and muscle, and to increase energy.

The libels filed in two of the actions charged that the article was misbranded further in that it was an imitation of another article, namely, grape juice; in that it was labeled so as to deceive and mislead the purchaser and in that the labeling bore statements and designs concerning the ingredients or substances contained in the article which were false and misleading, namely, a design showing grapes and statements which created the misleading impression that the article was composed solely of grape juice and sugar.

On April 20, May 6, and May 25, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27570. Misbranding of Bevill's Lotion. U. S. v. 99 Bottles and 34 Bottles of Bevill's Lotion. Default decrees of condemnation and destruction. (F. & D. Nos. 39586, 39863. Sample Nos. 34709–C, 34733–C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On May 20 and June 21, 1937, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 133 bottles of Bevill's Lotion at Houston, Tex., alleging that the article had been shipped in interstate commerce from Birmingham, Ala., in part on or about August 17, 1936, in the name of Bevill Co., Inc., and in part on or about January 11 and April 12, 1937, in the name of I. L. Bevill Co., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted essentially of salicylic acid (approximately 10 grams per 100 cubic centimeters), methyl salicylate, alcohol, and water.

It was alleged to be misbranded in that the following statements appearing in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Bottle) "For eczema, Bevill's Lotion is recommended very highly, generally relieving affected parts in from one to ten days. Apply freely each day. For ringworm apply freely two nights. * * *"; (all cartons) "For Eczema and Skin Troubles * * * Stops Pain Instantly"; (most cartons) "Particularly recommended in the treatment and prevention of Eczema, Acne, Pimples, Breaking Outs, Ringworm, Itch, new and old sores and all disturbances affecting the skin"; (some cartons) "Bevill's For Corns."

On July 12 and September 23, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27571. Adulteration and misbranding of Miller's Antiseptic Oil. U. S. v. 11 Bottles, 14 Bottles, and 15 Bottles of Miller's Antiseptic Oil. Default decree of condemnation and destruction. (F. & D. Nos. 39591, 39592. Sample Nos. 14992–C, 14993–C.)

The labeling on this product bore false and misleading representations as to its penetrating properties, and to the effect that it contained no injurious substances. The labeling also contained false and fraudulent representations regarding the curative or therapeutic effects of the article.

On May 19, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 bottles of Miller's Antiseptic Oil at Chicago, Ill., alleging that the article had been shipped in interstate commerce by the Herb Juice Medicine Co., from Jackson, Tenn., in various shipments between the dates of October 24, 1936, and March 4, 1937, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted chiefly of kerosene and turpentine oils with small proportions of essential oils such as sassafras oil and methyl salicylate.

It was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely, "external preparation containing penetrating oils that will penetrate thickest sole leather in a few minutes," since it was not an external preparation containing penetrating oils that would penetrate thickest sole leather in a few minutes.

The article was alleged to be misbranded in that the following statements in the label were false and misleading: "External preparation containing penetrating oils that will penetrate thickest sole leather in few minutes." Misbranding was alleged for the further reason that the statement, "Contains no * * * injurious drugs," on the carton, was false and misleading when applied to an article that consisted chiefly of kerosene, a highly irritating substance. Misbranding was alleged for the further reason that the following statements in the labeling regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton and bottle) "External Preparation Containing Penetrating Oils"; (circular) "Stops Aches and Pains Try this oil for the treatment of Deep Seated Pain and Soreness. Bathe affected parts with Hot Dry Cloth and apply the oil, rubbing in well. Muscular Rheumatism: Rub well into affected joints and muscles and apply well greased flannel cloth. (Grease cloth with Krou-Monia Salve.) Lumbago: Treat same as Deep Seated Pain Corns Apply the oil to corn upon retiring. It will soften the callous and draw the pain and tenderness from the root of corn * * * Burns and Scalds: If skin is not broken saturate cloth and apply to burned surface; if skin is broken mix with olive oil and apply. * * * Diarrhea and Cramps: Take 20 to 30 drops of oil in teaspoonful of sugar. Sore Throat: Bathe outside of throat well and apply cloth, greased with Krou-Monia Salve. Take few drops on sugar. Influenza, Colds, Pneumonia: Rub well into chest and apply cloth, greased with Krou-Monia Salve. Take few drops on sugar every two hours as needed to relieve coughing. Croup: Bathe chest freely, applying cloth, greased with Krou-Monia Salve. Put a few drops of oil in a pan of steaming water and inhale * * * these well known Health Preparations * * *."

On July 14, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27572. Misbranding of Oilax Compound Tablets. U. S. v. 1,080 Boxes, et al., of Oilax Compound Tablets. Default decrees of condemnation and destruction. (F. & D. Nos. 39599, 39600, 39601. Sample Nos. 35390–C to 35395–C, incl.)

The labeling of this product bore false and fraudulent curative and therapeutic claims. It was further objectionable since the designation "Oilax" created the impression that the laxative properties of the article were derived solely from oils, whereas such properties were derived chiefly from phenolphthalein and aloe.

On May 14, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,401 boxes of Oilax Compound Tablets at St. Louis, Mo., alleging that the article had been shipped in interstate commerce between the dates of January 19 and April 16, 1937, by G. Knewitz from East St. Louis, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of phenolphthalein (approximately three-fourths of a grain per tablet) and extracts of plant material including aloe, strychnine, and croton oil.

It was alleged to be misbranded in that the designation "Oilax," borne on the label, was false and misleading when applied to an article of the composition disclosed by analysis. Misbranding was alleged for the further reason that the following statements regarding its curative or therapeutic effects were false and fraudulent: "Keep Healthy Feel better Live Longer Avoid constipation."

On July 12, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27573. Misbranding of La-Vim. U. S. v. 33 Bottles of La-Vim. Default decree of condemnation and destruction. (F. & D. No. 39603. Sample No. 34816–C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On May 17, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 bottles of La-Vim at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about July 13, 1936, by the Bonded Service Warehouse from Atlanta, Ga., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "La-Vim * * * Lewis Laboratories Inc. Atlanta, Ga."

Analysis showed that the article consisted essentially of plant drugs including a laxative drug and nux vomica, a phosphorus compound, sugar, alcohol, and water flavored with cinnamon.

It was alleged to be misbranded in that the following statements borne on the bottle and carton, regarding its curative and therapeutic effects, were false and fraudulent: "La-Vim * * * a Systemic Tonic for the Relief and Correction of Malnutrition Languidness and Frailty In Men, Women and Children."

On July 1, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27574. Misbranding of Geno Tablets. U. S. v. 81 Boxes of Geno Tablets. Default decree of condemnation and destruction. (F. & D. No. 39595. Sample Nos. 14589–C, 14590–C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On May 14, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 81 boxes of Geno Tablets at Kentland, Ind., alleging that the article had been shipped in interstate commerce on or about December 26, 1936, by the Geno Remedy Co., from Monticello, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of zinc, calcium, and sodium phenolsulphonates, copper arsenite, sodium bicarbonate, boric acid, and lactose.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent: "For treatment of Bowel Trouble in Chicks and intestinal disorders in all ages of Poultry. * * * Can be used in drinking water, milk or as an individual treatment. * * * For chicks that already have bowel disorders, use six tablets per gallon for a five day period, then back to three tablets. * * * Birds with intestinal disease of any kind, such as coccidiosis or typhoid cholera, use eight tablets per gallon water (write for special instructions on these diseases). For individual treatment dissolve four Geno-Tablets in a cup of water and give two teaspoonfuls three times a day."

On June 28, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27575. Adulteration and misbranding of ether (ethyl oxide). U. S. v. 7 Cans of Ether (Ethyl Oxide). Default decree of condemnation and destruction. (F. & D. No. 39625. Sample No. 34463–C.)

This product was represented to be ether U. S. P. 10 and ethyl oxide U. S. P. 11, but failed to meet the requirements of the tenth revision of the United States Pharmacopoeia for ether, and also the requirements of the current eleventh revision of the pharmacopoeia for ether or for ethyl oxide, since results of official tests for contamination with peroxide were positive.

On March 22, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure of 7 cans of ether at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 16, 1937, by Merck & Co. from St. Louis, Mo., charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ether U. S. P. 10 Merck (Ethyl Oxide U. S. P. XI)."

It was alleged to be adulterated in that it was sold under names recognized in the United States Pharmacopoeia, namely, ether and ethyl oxide, and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia, and its own standard of strength, quality, and purity was not stated upon the container. It was alleged to be adulterated further in that its purity fell below the professed standard or quality under which it was sold, namely, "Ether U. S. P. 10" and "Ethyl Oxide U. S. P. XI," since it did not conform to the specifications of the tenth revision of the pharmacopoeia for ether nor the specifications of the eleventh revision of the pharmacopoeia for ethyl oxide.

The article was alleged to be misbranded in that the statements, "Ether U. S. P. 10" and "Ethyl Oxide U. S. P. XI," were false and misleading, since it did not conform to the tenth revision of the pharmacopoeia for ether, nor to the eleventh revision of the pharmacopoeia for ethyl oxide.

On July 8, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 27526–27575

[1] Contains instructions to the jury.

U. S. GOVERNMENT PRINTING OFFICE: 1938